

**The Probation Service in Transition:  
Change, Values and the Nature of Practice**

**Marilyn J Gregory**

A thesis submitted in partial fulfilment of the requirements  
of the degree of Doctor of Philosophy

Department of Sociological Studies  
University of Sheffield

January 2008

‘There are golden moments when you’ve just got the time, and a room and somebody who has come, and what you can offer them is what they need. There are golden moments, when you are writing reports when you think there’s a whole new perspective and its like finding the fossil on Lyme Regis beach, and you have to grasp it and say yeah, this is a really good professional moment.’

*Michael, in interview.*

## Abstract

This thesis will be submitted in Probation's centenary year. The Probation Service is an organisation that has undergone a tremendous journey of change and transition since its inception as a morally-underpinned voluntary body whose members sought to save the souls of poor unfortunates appearing before the courts. The thesis provides a critical history of probation practice, examining the development of practice during its 100 years. The reader is invited to share something of probation's journey of transition. The transition is considered as it has been experienced by the author herself and also by fifteen long-serving probation officers with whom she has conducted qualitative interviews. All sixteen people were trained in what is termed a 'clinical mode' of practice in which probation officers were able to practice as social workers, employing social work values embodying an ethic of care. The practice environment has changed in the decades since they trained into what is termed a 'punitive managerial mode' in which the ethic of care has been overshadowed by the ethic of justice. The essence of the study is an examination of these practitioners' experiences and how they respond to their changing circumstances. Experienced practitioners with well established skills of reflection and critical thinking, the study's participants do not readily adopt a strictly prescribed form of practice in which a technical solution is routinely applied to groups or individuals. Instead they develop a form of subjectivity in which they continue to view themselves as social workers. They are able to take a critical position and sustain their resistance to a form of practice which ignores the social context of offenders' lives. A view of practice as a practical-moral activity emerges; it is a form of human action based on relationships between the helper and the helped, in which decision making is fluid and reflexive, and in which solutions to problems are created reflexively in a positive working relationship between practitioner and client. Professional practice involving a relationship between human beings is not viewed as something that can be reduced to a straightforward application of technique. Practice in this formulation has a moral character which is suffused with judgement and reflection upon the unique and particular circumstances of the individual to be helped, with an intention to do good. It involves not only an understanding of the circumstances of the helped person, but self knowledge on the part of the helper that is developed with each encounter. The study concludes with an examination of the possibilities for a form of practice which encompasses both justice *and* care, based upon links between the approach suggested here and recent work on constructive practice with offenders and the desistance paradigm of offender management.



## Acknowledgements

This project would not have been possible without the participation of my former probation colleagues, which is warmly acknowledged.

A number of people have helped me to survive the experience of producing this piece of work, and deserve my heartfelt thanks:

Paul Leman, for unstinting love and support.

My supervisors, Susan Hodgson and David Philips in the Department of Sociological Studies and my former supervisor Malcolm Cowburn.

Kathy Boxall for cheerful support and learned advice at difficult moments.

Margaret Holloway for pointing me in the right direction.



# Contents

<b>Abstract</b>	<b>iii</b>
<b>Acknowledgements</b>	<b>iv</b>
<b>Chapter One</b> <b>Introduction</b>	<b>1</b>
<b>Chapter Two</b> <b>My Way Of Knowing</b>	<b>11</b>
<b>Chapter Three</b> <b>Methodology</b>	<b>29</b>
<b>Chapter Four</b> <b>Critical History Part One: Origins To The Demise Of Treatment</b>	<b>60</b>
<b>Chapter Five</b> <b>Critical History Part Two: The Rise And Rise Of Punitive Managerialism</b>	<b>81</b>
<b>Chapter Six</b> <b>Voices From Practice</b>	<b>114</b>
<b>Chapter Seven</b> <b>Discussion</b>	<b>155</b>
<b>Chapter Eight</b> <b>Implications for Contemporary Criminal Justice Practice</b>	<b>170</b>
<b>References</b>	<b>179</b>
<b>Appendix A</b> <b>Notes on Methodology</b>	<b>A-1</b>
<b>Appendix B</b> <b>Interview Schedule</b>	<b>B-1</b>

## Chapter One

### Introduction

In the stultifying heat of a Michigan summer afternoon in 1976, Mary D sits and smokes in the dining room of her home, 'Romeo Hills'. Between puffs, her cigarette dangles from her bulbous lower lip. It is removed only occasionally when she takes a sip of strong black instant coffee. She watches as two young people, a man and a woman, huddle over the shift log, trying to get to grips with the happenings at Romeo Hills that morning. [*Terry tried to hit Bill with a chair. Deleen had a great morning at workshop and might be forming a friendship with a young man there. Robert is still pinching when he doesn't get what he wants. Several staff members have bruises. Someone needs to talk to the clinical psychologist about adapting Robert's behavioural programme.*] The young people look anxious and concerned but try to appear relaxed. 'Hey Mary', they say, and smile. In her thirty seven years, Mary has seen it all before. She sits in silence for a few minutes and then with a humourless grin, imparts: 'Hey, John, hey, Marilyn, I'm sure glad *I* ain't a staff member.'

At the time the significance of Mary's remark was lost on me, and yet the moment is etched in my memory. John and I probably laughed and tried to engage Mary in a fun conversation, because she was often depressed. It took four years of training and at least five further years of post-qualification experience before I came to recognise the irony in Mary's remark. Rejected at birth by parents who could not accept her physical and mental limitations, Mary grew up in closed institutions until released into the tender loving care of a group of well intentioned but unqualified staff at Romeo Hills (see Chapter Two). Staff members, well-intentioned and otherwise, had come and gone in Mary's life. Things might be a bit better here, but she knew that her unimpaired twin sister had stayed with the family and had therefore enjoyed the kind of family life which Mary had been denied. Mary knew a great deal about the good intentions of staff in residential facilities and even more about what people like her needed to make their lives better. But no-one ever asked her opinion, or if they did, they didn't take it seriously. Mary's file suggested that her learning difficulties were quite severe, and yet her pithy commentary on the daily life of Romeo Hills was often extremely astute. A popular slang expression at the time was 'eat shit', the crude American equivalent of 'get lost'. When feeling particularly dismissive of staff's attempts to jolly her along, Mary knew how to deliver this message with additional vehemence: she acted it out.



Mary is dead now, but she was one of a group of people, all labelled ‘mentally retarded’, who taught me two key lessons: that individuals have a unique value regardless of their perceived impairments or other societal labels; and that solutions to difficulties are best worked out through human relationships. The seed of this study was sown back then because working at Romeo Hills was an important turning point in a developmental journey which eventually brought me to the point of writing this thesis.

This thesis is not written in the conventional style of literature review, methodology, findings, discussion, but instead takes the reader on a journey. The journey is a critical history of the Probation Service from its inception as a morally-underpinned mission to the courts, to its modern-day role as part of a technicised National Offender Management Service. The history of the Probation Service is part of the history of social work practice, and the aim of this thesis is to set probation practice within its socio-political context and against this context, to explore the career experiences of a group of experienced probation officers all of whom trained when the Probation Service was in its ‘clinical mode’, what one writer has termed ‘the heyday of treatment’ (Vanstone 2002). Fifteen of these officers were at the time the research was conducted in 2003, working in a mode of probation practice that has been termed a ‘punitive managerialist’ mode, and which had changed dramatically from the practice environment in which they trained.

The journey begins by taking the reader through the history of my own professional career, partly because my feminist perspective assumes that the researcher’s biography and standpoint is central to the research enterprise, but also because I am a subject of this research, as well as the researcher, and what has happened to me has similarities with some aspects of the experiences of the research participants. My biography in this way becomes available as data to be analysed as well as underpinning the theoretical approach. There is not a straightforward linear progression to the reader’s journey. Instead, as explained in the methodology chapter, I have engaged in an iterative and recursive process, moving between data (including my biography, the critical history literature and interview data from practitioners), and the two theoretical strands, discourse theory and the ethic of care.

Having left the Probation Service in 2000 to begin an academic career, I retained an interest in the work of the Service and in approaches to practice in working with offenders. I was keenly interested to understand what life was like for colleagues who, like me, had trained in an earlier mode of practice when we were able to advise, assist and befriend’. I had taken the decision to leave when the injunction to ‘advise, assist



and befriend' was removed, to be replaced by a practice ethos fundamentally based upon punishment, but my former colleagues were continuing to work in this new environment. I really wanted to uncover what life for them was now like and to give voice to their views of the changed practice environment. The study provides a critical history of probation practice which details the nature of the change to practice which has taken place since the service's inception. There follows an examination of the 15 participants' experiences, to show how they respond to their changing practice environment. The study goes on to analyse the implications of the change and practitioners' response to it for the nature of social work practice. Because I am to some extent, an insider to the research environment, the study also presents and takes account of my own practice experience as part of the analysis. A brief outline of each of the chapters of the thesis is presented below.

## **Chapter Two: My way of knowing**

The chapter begins with my earliest introduction to sociology and the insight this gave me about my class position. It goes on to outline my 'escape' from what might have been a conventional future of marriage and motherhood, to the USA where my worldview was to undergo further challenge, and where I began to develop an interest in the nature of caring practice. I learned about behaviourism through its application and have had much time since to reflect upon the ethics of what my colleagues and I did. My working class identity was challenged for the first time by a young black man who made me realise that there were political implications in being white. This was a fact about me that I had simply taken for granted before.

There follows a discussion of my return to the UK to begin a degree in Applied Social Studies and Certificate of Qualification in Social Work. Reading social science provided me for the first time with a theoretical framework for my nascent socialist views, and I developed a Marxist, and subsequently socialist feminist standpoint. The chapter goes on to show how through lived experience and professional practice, I began to recognise the importance of language and the meanings that individuals ascribe to their behaviour, and began to seek ways of broadening my theoretical position. Ironically, just as I was developing as a mature, reflective practitioner, the organisation for which I was working was beginning to adopt a technical-rational approach to work with offenders. This was the impetus for my change of career and ultimately led to this piece of research.



## Chapter Three: Methodology

Chapter Three begins with an outline of the study's theoretical orientations which form the basis of the analysis of the changes to probation practice over the last three decades, the impact of these changes upon my own career, and in particular upon the working lives of the study's participants, fifteen experienced probation officers. The justification for the employment of a feminist social constructionist methodology is outlined, and the ways in which I take account of feminist concerns are set out.

The methodology chapter continues with an outline of the research strategy employed. Data gathering is discussed, and the shared understanding/discourse model of interviewing, adapted from Franklin (1997) is set out. The strategy and interview model employed are appropriate for my feminist perspective, because they imply a 'bottom up' view of research in which the voices of participants are to the fore, and the reflexive position of the researcher is acknowledged, with meaning being developed and constructed through the process of the interview. This is similar to a grounded theory approach, but recognises that the researcher will bring to the process of analysis theoretical orientations of her own as well as developing categories from within the data.

The auto-biographical element of the study is discussed, to ensure openness and transparency about my position as an insider of the field of research. I conclude that although I do not have to be one to know one, essentially it does help, particularly in the process of reflection upon practice, including my own experience. My role as insider also raises ethical issues of trust and credibility for the researcher, and has implications for the power I wield in the interview process. I argue that using the adaptation of Franklin's shared understanding/discourse model helps with this, because participants are viewed as the experts in their own professional experience, and the direction taken in interview was very much of their own choosing.

The chapter then goes on to outline how the data were analysed using the twin theoretical perspectives of *discourse* and *the ethic of care* and from this, a number of substantive categories were developed, which are set out in a tabulated form.

The first of the categories is discourse, and a Foucauldian perspective is used to understand and explain the notion of discourse. The chapter demonstrates how power operates through discourse, and discursive structures within the probation practice context are examined. Examples are drawn from the critical history of probation



practice set out in Chapters Four and Five, to show how particular versions of practice are constructed through discourse at particular historical junctures.

The second theoretical strand that is used in the analysis is the ethic of care. An outline of the theory of the ethic of care is given, and the presence of elements of the ethic of care is demonstrated within probation practice in the clinical mode. The ethic of care, it is argued, has been overshadowed within the punitive managerial mode of probation practice, and again examples from the critical history chapters are used to illustrate this argument.

## **Chapter Four: Critical history part one. Probation practice: origins to the demise of treatment**

In keeping with the journey metaphor, the literature review is conducted as a critical history of probation practice. Chapter Four is the first of two critical history chapters and charts the history of probation practice from its inception up until the advent of the Green Paper: 'Punishment, Custody and the Community' (Home Office 1988) which preceded the 1991 Criminal Justice Act and the beginning of a very different 'mode' of probation practice. The chapter begins by acknowledging that there are a number of existing accounts of the history of probation practice which tend to adopt a 'progress' view of history (Bochel 1976, Haxby 1978, Jarvis, 1972). It goes on to suggest that probation history is also a key part of the history of social work practice. The chapter therefore focuses not only on the socio-economic context of practice, but also the discourse of practice, which is often omitted from accounts of the development of the criminal justice system more generally. It is noted that gender is an analytical category that is often absent from otherwise influential accounts of criminal justice practice, and this is rectified here by adopting a feminist social constructionist perspective.

The chapter goes on to recount very briefly how Foucault (1977) demonstrates in *Discipline and Punish* the changes in European penalty away from the body as a focus of punishment and toward the prison. In the shadow of the prison is created an army of experts. These experts become part of a complex of techniques and discourses that make up the carceral network of institutions which come to form the basis of the modern penal-welfare system, of which probation is a key part.

Probation practice is then outlined. Its first phase is termed 'the moral mode' – the earliest form of practice based upon Judaeo-Christian principles of morality promulgated through such organisations as The Howard Association and The Church of



England Temperance Society. They worked alongside other Christian organizations, such as the Charity Organisation Society, and the Reformatory and Refuge Union, all of whom regarded it as their duty to reform individuals who had fallen from the path of righteousness. These organizations separated those they helped into the deserving and the undeserving, and it is noted that the development of early court missionary work and social work more generally was founded upon a complex of competing forces connected with the social instability generated by industrialization. The earliest legal framework for probation practice results from these developments, culminating in the Probation of First Offenders Act in 1887. The ethos of practice is a gendered morality, and women were judged in terms of their ability to conform to a middle class Christian ideal of womanhood as well as their ability to adhere to the law. They were also far more likely than men to be considered feeble minded and to be incarcerated in asylums for indeterminate periods (Zedner 1991). This moral mode of practice was founded upon a case-work method, which was to survive relatively unchanged for a remarkable length of time.

From the passing of the Probation of First Offenders Act in 1907 up until the beginning of the 1970s there was a period of growth and consolidation in social work and probation practice, and I have termed this the ‘clinical mode’ of practice. The National Association of Probation Officers was formed in 1912 to support the advancement of probation work, and early practice shifted away from its religiously informed roots toward a diagnostic case-work model (McWilliams 1986). Practice came to be founded upon a positivist understanding of human behaviour, with crime viewed as the result of physical, psychological or social factors. The profession went on to develop its education and training and by 1971, all probation officers were trained alongside social workers and obtained a social work qualification. By this time, the clinical mode is really in its heyday. Deviant behaviour is diagnosed from a positivist perspective, and the response of state agents is an interventionist and assimilative one. The underpinning values are care and respect for the individual person coupled with hope for their future potential. The nature and extent of practice developed rapidly in this period and extended to community service and family court welfare work.

Even as probation as a profession grew in confidence, the conditions of change were beginning to develop, and these are charted in the final section of the chapter, with economic recession and rising crime rates leading to the development of what Young (1999) called *The Exclusive Society*. The Conservative Party’s sweep to victory in the 1979 election was to signal the beginning of socio-economic and cultural changes that



would completely undermine the *clinical mode* of practice, and signal the rise of the *punitive managerialist mode*, which is outlined in Chapter Five.

## **Chapter Five: Critical history part two: the rise and rise of punitive managerialism**

Chapter Five considers the development of probation practice in the period from the 1991 Criminal Justice Act to the present. Its focus will be on language and discourse, beginning with the development of the discourse of managerialisation and marketisation which flowed from the sweep to victory of the Conservative Party at the 1979 election. These principles formed the basis of the restructuring of the public sector along business lines, underpinned by the principles of economy, efficiency and effectiveness. Marketisation essentially treats the public sector as though it were a private sector business, sweeping away the understanding of public service, and replacing it with consumerism, competition, and the purchaser-provider split in provision of amenities. Managerialism flows from marketisation, because if the public sector is to behave like a private sector business, it must be managed like one.

The chapter shows that in first term of the conservative Government's rule the managerialising and marketising discourse was not focused upon criminal justice but pervaded most other aspects of the public sector. However, by the end of the 1980's, due to a number of factors, the Government's attention turned to criminal justice. From this point on the cross-party consensus which had hitherto existed collapsed and crime became a vote-getting issue. The Probation Service came to feel this with the 'Statement of National Objectives and Priorities' Home Office 1984a), which signalled the advent of managerialism within the Probation Service. At the same time there was a move away from the social work model of practice that had pertained in the *clinical mode* and a move toward risk assessment, risk management, and punishment in the community. The chapter charts the development of a discourse of *punitive managerialism* which pervades the policy and practice context. The punitive discourse is expressed within the Criminal Justice Act of 1991 and the chapter goes on to chart the increasingly punitive control of practice evident in each successive version of National Standards which accompanied the 1991 and subsequently the 1993 Criminal Justice Acts.

Chapter Five demonstrates how the mantle of punitive managerialism passes from the conservative Government to New Labour and forms part of what Garland (2000, 2001) has called a 'culture of control' that has developed within late modern society in



the face of expanding crime rates and a loss of faith in the rehabilitative ideal. Crime is seen as a normal social fact and intervention is about the management and control of risky populations. The task of probation practice is risk assessment and risk management, and no longer the welfare or social needs of members of the public. The chapter shows how the professional discourse changes through the control of the knowledge, training and values for practice. A highly technicist, outcomes based focus becomes predominant in effectiveness research, which results in the prioritisation of cognitive behavioural intervention methods, because these have been statistically proven as effective. This becomes known as the 'what works' orthodoxy. The effect of these developments is to reduce the autonomy of practitioners, and to increasingly isolate offenders as 'the other'.

The chapter goes on to outline the legislative developments that have taken place since New Labour came to power, up until early 2007, when Parliament passed a bill to effectively privatise the provision of the Services that have hitherto been provided by the Probation Service. It reflects the impact of these developments upon probation values and concludes by suggesting that both social work values and restorative justice values continue to have some currency within the practice environment, but that there is a lack of fit between them and the current, punitive managerialist mode of practice.

## **Chapter Six: Voices from practice**

This chapter presents the findings of the research, giving a detailed analysis of participants' responses using discourse and the ethic of care as the analytical framework, but ensuring throughout that participants' voices are to the fore in providing substantive quotations from interviews to illustrate and justify the analysis.

Participants appear to operate in a way which is both within and against the dominant discourse. They are comfortable and familiar with the discourse of *criminal justice practice* from which they derive power as practitioners and achieve legitimacy within its discursive framework to speak as officers of the court. Participants also employ the discourse of *managerialism and control* to construct their narratives of practice in ways which on the one hand reflects disciplinary power in their normalisation to the changed practice environment, whilst on the other hand shows that they also assert their resistance to what they see as the unacceptable dimensions of change.

The second strand of analysis, viewing participants' responses through the lens of the ethic of care produces evidence of an alternative discourse of practice through which



participants construct a critical and reflexive view of their practice. The tensions between participants' practice environment and their practice values are clearly delineated throughout the analysis. It is not surprising that probation practice fails to cohere as a system of care which has integrity. Participants nevertheless remain able to construct a form of subjectivity in which they continue to identify themselves as social workers.

## **Chapter Seven: Discussion**

This chapter provides a critical discussion of the findings presented in detail in Chapter Six. The discussion illustrates the complexities of the power relations that operate through discourse and can be identified in participants' constructions of their own subjectivity and their conception of practice. It links participants' use of discourse with the changing policy and practice discourse that has framed their practice over the last three decades or so. The chapter goes on to show how the process of reflective practice supports resistance, by providing participants with a vehicle for continuing to construct a subjectivity for themselves as social work practitioners, even in what is clearly a constrained and constraining environment. The chapter explores the link between the Aristotelian concept of *phronesis* as raised by one of the participants in interview, and the ethic of care. Links are drawn between *phronesis* and care and these are contrasted with the Aristotelian concept of *techne* and with justice. The discussion develops into consideration of the nature of practice, concluding that the experiences of these practitioners demonstrate that practice is a practical-moral activity, rather than a technical-rational one. Experienced practitioners who are skilled reflective practitioners are not readily turned into technicians who unthinkingly apply technique or strict rules of justice to a given situation. They are practical helpers who view each person in his or her unique situation with all its complexity. They work in a way which involves a shared approach to finding a solution in order that the person can engage in a meaningful process of change.

## **Chapter Eight: Implications for contemporary criminal justice practice**

This chapter considers the implications of these findings for contemporary criminal justice practice. What possibilities are there for making good use of the practical wisdom displayed by the participants in this study? Their current practice context does not appear promising and at times some of them clearly feel they have

little to offer. And yet, this chapter goes on to outline research about offending behaviour which, rather than focusing upon measurable outcomes like recidivism, instead looks at the processes involved in moving away from crime over a period of time. The concept of desistance as a measure of success in supporting offenders to have a crime free life provides some hope that the nature of the helping relationship is indeed as valuable as these participants in their most confident moments, know it is. The chapter goes on to outline two approaches to practice with offenders which encompass a reflexive and supportive model supervisory relationship. These are McNeill's *desistance paradigm for offender management*, and Gorman et al's *constructive practice with offenders*. It is argued that these models of practice fit comfortably with the principles of restorative justice which embody both justice *and* care. Positive findings from various Government funded pilot schemes appear to support their extension, and it is this, together with the pressure from the ever-rising prison population which may lead to the recognition that to achieve lasting desistance from crime, work with offenders needs to involve the principles of not only justice, but care as well.



## **Chapter Two**

### **My Way of Knowing**

My own journey of knowing is inextricably linked to the focus of my research. This chapter will chart that journey, revisiting the theoretical, political, social and ethical issues I have encountered along the way.

#### **The early years**

The way that I understand reality and my choice of theoretical orientation in conducting this research is central to the outcome of the research and to the way it has been conducted. This is particularly so because I am a member of the professional group within which the research has been carried out, and I have some experience in common with my research participants. As a feminist, I share Ramazanoglu and Holland's view that feminist research methodology is 'distinctive to the extent that it is shaped by feminist theory, politics and ethics and grounded in women's experience' (2002 p16). This does not mean that feminist research is about women exclusively. It means that feminist researchers must acknowledge their ontological, epistemological, political, ethical and social position in conducting their research (Ramazanoglu and Holland 2002). The first time I encountered sociology was at seventeen, studying for sociology 'A' level at a college of further education. Of all the different theories and areas of research I studied at the time, the insight that had an abiding impact upon my sociological imagination was the notion that I was from an 'aspiring working class family'. Both my parents began work in local engineering factories at the age of sixteen. They ran a public house for ten years but then my father returned to his original trade. Their attitude to work was the 'instrumental orientation' described by Goldthorpe et al. (1968). It was a means to an end and not an end in itself. They had periods of relative affluence during their working lives but never came to adopt or support middle class values. An important political influence for me was that my father strongly believed in working class solidarity and regarded membership of his trade union not merely in an instrumental way as Goldthorpe et al.'s affluent workers did, but as a statement of his commitment to the class struggle. Both parents voted Labour and my father was vocal about why it made sense for working class people to do so. In common with Goldthorpe et al.'s affluent workers, they had no aspirations toward a middle class lifestyle; however, they strongly aspired for their children's success. They recognised that their own lack of educational achievement had restricted their job prospects. My father often



talked about his decision to hide his drawing board ‘behind the bicycle sheds’ to go off and play football when he was supposed to be on a technical drawing course, and realising later that this was why he then spent most of his working life rising at 5am to start work in an engineering factory at 7am. They did not want us to go through that.

Feminism had not made much of an impact on the ‘A’ level sociology syllabus in 1973 and it was not until much later that I came to develop an understanding of why my parents’ aspirations for their children began to diverge between sons and daughters as we got older. What was clear was that while my brothers were expected to go to university our parents’ aspirations for my sister and me were along the lines of doing well at school, passing your exams, and then getting a nice secretarial job and a husband so that you could live near to them and produce grandchildren. I was heading obediently in this direction, working in a secretarial and public relations job and studying for my ‘A’ levels in the evenings, but shortly after passing my ‘A’ levels my then fiancé was offered a job in the US. Seizing an escape route, I left for Detroit, Michigan with him in the hot summer of 1976, aged not quite 22.

## **Romeo Hills**

I arrived in the USA with the socialist political identity I had acquired from my father intact, but with some misgivings about the path upon which I had begun. I was to marry this young man, a nice, white, middle class businessman with prospects in America, and hopefully return to England before producing the desired grandchildren. My understanding of my circumstances was not particularly well developed, but I took some decisions that were to shape the direction of my future career. I decided that having shown some aptitude for working with people in my secretarial and public relations career in England, I might be challenged by attempting to put these skills to the test by working with a more difficult population. I saw an advertisement for staff for a residential care home run by a private non-profit-making company which provided care in the community for people described as ‘mentally retarded and emotionally disturbed’. Here was the challenge I was looking for. This decision was to be an important turning point for me in many ways, but its impact on my knowledge base and career path cannot be underestimated. At home in England I had been discouraged from applying to university after my ‘A’ levels by parents who genuinely couldn’t see the point of a daughter going away to university. Now in the USA, I was confronted by a reality in which a greater percentage of the population attended university. Preliminary enquiries about continuing my public relations career revealed that I was considered



unqualified for this field as a 22 year old woman without a university degree. When I went along to the interview for the post of residential care assistant, I met a number of other prospective employees, who seemed to fall into two groups. The first were working class and middle aged without qualifications or the desire to acquire them, but who had some experience of working with the relevant client group. The second were idealistic university students from a variety of disciplines who were hoping to acquire both relevant experience and money to help them with their tuition fees (which at that time did not exist in the UK but were quite high in the USA). I was not at that time a student, but immediately aligned myself with the idealistic student group. I decided immediately that getting a degree was once again important; indeed it was an imperative if I were to develop in my newly chosen career path. I was not precisely clear as to the exact nature of my path at this point, but I had an inkling (and looking back – hindsight is a wonderful thing) that I was on the brink of something important.

This band of ill-assorted individuals was to start work at Residential Systems Company's residential care home in the autumn of 1976. In the US at this time the anti-psychiatry movement had been developing for over a decade, influenced by works such as Goffman's *Asylums* (1968), which argued that most people in mental hospitals exhibit their psychotic symptoms and behaviour as a direct result of being hospitalized. Goffman's claims were amplified by Szasz in his work *The Myth of Mental Illness* (1974) which suggested that psychiatric disorders do not exist. A populist contribution to this movement was Ken Kesey's Pulitzer Prize-winning novel, *One Flew Over the Cuckoo's Nest*, based upon his experiences working in the psychiatric ward of a Veterans' Administration hospital (Kesey 1962). By 1976, the wholesale incarceration of people with learning difficulties and/or mental health problems had become a national scandal, and de-institutionalisation was taking place at a rapid rate. Patients who had hitherto been incarcerated in state hospitals now found themselves being released into the community. My young colleagues discussed their opposition to 'the medical model' and introduced me to the work of Szasz (1974), Goffman (1968) and Rosenhan (1973) among others. *One Flew Over the Cuckoo's Nest* had been transformed into a mainstream Hollywood movie, and became a major box office hit in 1975. It had clearly made a huge impact upon my colleagues and their resultant distrust of the psychiatric profession and its assumed tendency to impose 'chemical straightjackets' was regularly voiced.

'Romeo Hills' was a white clapboard house with a porch complete with swing, set on a scrubby patch of land in Romeo, a small town (or what in England would be called



a village) 40 miles north of Detroit. Having had various adaptations paid for by the state this 8-bedroomed former farmhouse was to become home to twelve adult residents between the ages of 18 and 65. All these people had hitherto been incarcerated in state mental institutions because in addition to their 'mental retardation' they displayed varying degrees of 'behaviour problems' and so were not considered suitable for accommodation in most other community residential facilities. In what could now be seen as a precursor to what happened in the UK a decade later, the rush to de-institutionalisation in the USA led to the burgeoning of private care in the community. The setting up of 'group homes', as they were known, was a lucrative enterprise for someone with a relatively small amount of money to invest. A medium sized family home was purchased, and an application made to the county authority (responsible for health care) for the cost of adaptations to make it safe for communal living and to accommodate anyone with physical disabilities. The county would then pay the investor a substantial fee for each 'mentally retarded' resident they were prepared to accommodate. To avoid excessive maintenance costs, most homes accommodated only well behaved residents with no overt behavioural difficulties, and employed unqualified part-time workers who supervised the residents passively rather than undertaking any form of social or educational work with them. Once the mortgage on the house was paid off, many of the homes closed down and the investor could make a profit by selling the property. Romeo Hills was a facility set up with more altruistic or perhaps idealistic motivations. Residential Systems Company was started by a man with strong Christian beliefs, whose son had learning difficulties and severe behavioural problems. The father had difficulty finding accommodation for his son and wanted to see if someone like his son could live in the community, given the right kind of treatment.

### **Encountering behaviourism**

Influenced by the work of Bandura (1969) Wolpe (1969) and Skinner (1971), behavioural therapy was at this time a popular alternative to psychotropic drugs. This was to be my introduction to a programme of treatment based directly on Skinner's principles of behaviour modification. Each resident at Romeo Hills had an individual behaviour modification programme worked out for them by the county psychologists. The group of 14 staff received brief training in how to carry out the programmes for each resident. One aspect of the programme was a token economy. Residents could earn tokens for 'appropriate' behaviour and use these to purchase treats such as sweets and outings. Punishment was strictly prohibited in keeping with Skinnerian principles, and



undesirable behaviour was 'extinguished' (i.e. ignored) whilst appropriate behaviour was reinforced with praise, attention and/or tokens. Reciprocal inhibition, i.e. reinforcing behaviour that is incompatible with the undesired behaviour, was also routinely used. Behaviourism was embraced with enthusiasm by this group of unqualified staff, some of whom saw it as a less oppressive form of therapy than the heavy doses of psychotropic drugs previously administered to some of our residents.

Larry was the resident whose programme brought into sharp relief (*for me*) the ethical issues raised by behaviour modification. A thirty seven year old white man, Larry had what might now be termed severe learning difficulties. He had little speech and impaired motor function, though he could walk slowly. Over many years of living in a state institution, Larry had developed a florid pattern of self-harm, including biting and cutting himself with broken glass and other sharp objects. The behavioural psychologists explained to us that Larry's inappropriate behaviour was inadvertently reinforced by staff at the institution, because it was only when he was harming himself that he was given any attention. When he was quiet and behaving more 'appropriately', this was inadvertently 'extinguished' by failing to give him any attention. Larry's programme was controversial. It was to involve extinguishing the inappropriate behaviour, however extreme, and we were all to ignore him unless he started to attack his eyes, or to assault others. In order to do this the co-operation of other residents had to be secured, and they were to be asked to go to their rooms so that they would not accidentally reinforce Larry's inappropriate behaviour. Larry was also to be encouraged to carry out very minor reparation of damage he might cause to the home (for example setting upright chairs he threw over). Most shocking of all, Larry was to be sent to his room without having any of his wounds bandaged, because the psychologists felt that this personal attention was one of the most important reinforcing factors for his inappropriate behaviour. We knew from Larry's case file that it was at bedtime that his self-harming behaviour would be most likely to begin, triggered possibly by his refusal to take medication. Extra staff members were deployed for Larry's first night at Romeo Hills. I was one of those staff members. In addition to the extra staff, we had agreed that Sharon, the senior resident who lived in an apartment in the upper floor of the house, could be called upon to assist if necessary. Bedtime came, and sure enough Larry's self-harming behaviour was sparked off by a dispute over his medication. The other residents were surprisingly co-operative, going quietly to their rooms at the request of staff. Four of us then stood by and watched as Larry bit into his arms, drawing blood and spitting out pieces of flesh. We steeled ourselves not to respond. Observing this,



Larry came to us one by one and wiped his bloody arms on our hair and clothing. When that did not get a reaction, he grabbed an ashtray, smashed it and used it to cut himself. He rubbed cigarette ash into the cuts. Once again he wiped the resulting mess over us. His final acts were to smash two windows, throw over chairs and tables and rip a small hand basin from the wall. He kept glancing at staff to observe their reactions but we all stuck stoically to our 'extinguishing' stances, arms folded, staring up at the ceiling or pretending to chatter idly among ourselves. In what was probably minutes but seemed like hours, Larry finally became completely calm and slumped down on the sofa. Sharon came down from upstairs and gently asked him to pick up a chair and a table, and then quietly escorted him to his room. His wounds were not dressed. The following day Larry received medical attention, and in accordance with his programme, throughout the day, he was given as much attention as possible. Staff talked to him and sat with him as he engaged in one of his favourite tasks, colouring pictures. There was only one further outburst from Larry a few nights later, also at bedtime, but it was briefer, and with less damage caused. The same procedure was followed. Larry continued to be given a lot of positive reinforcement during the day when his behaviour was appropriate. It became possible to take him to mass at the local church, and take him to McDonalds, a favourite treat for all Romeo Hills residents. I will never forget that first night, nor the experience of sitting chatting to Larry after he had settled in to his new routine, when from time to time, with an impish grin revealing a set of sharp, crooked teeth, he would lean towards me and say 'I bite, I bite!' and then laugh uproariously.

The ethics of what we were doing exercised all of us, and we discussed it endlessly. There was no doubt that Larry's behaviour had improved, and as a result he was able to engage in a much wider range of activities, including going out into the community. But who were we, who were the county psychologists even, to decide not to dress his wounds? More fundamentally for all of our residents, what were the ethics of a psychologist deciding that certain aspects of their behaviour were 'inappropriate'? In Larry's case, his stay was to be short term, so that we could modify his behaviour. He was then to return to a less specialized group home where we feared there may be neither the staff ratio nor the strength of will to continue to implement his behaviour programme. We knew that if he was left sitting in a corner when he was 'well-behaved', he would soon seek attention by resorting to his old ways.



## **Learning about who I am**

My work at Romeo Hills was emotionally and intellectually demanding, and I knew that my inadequacy in answering the ethical questions raised would not be resolved unless I resumed my educational career. I enrolled in an undergraduate programme entitled 'Community Mental Health'. I learned that no matter what degree students were undertaking, it was mandatory to take ten credits each in American History and English. Believing rather arrogantly that I already knew all about conventional American history, I opted for a Black History 101. Black history courses had grown up in the sixties in the wake of the civil rights movement and at that time were apparently over-subscribed with both black and white students. Now, in mid-1970s Detroit, a racially divided city that had experienced race riots in 1967, Black History 101 at Oakland Community College consisted of one naive English woman and 10 black Americans of varying ages. The contribution that this course made to my knowing journey was less about the course syllabus than about my experience of being the only white person in a class where the teacher and all the other students were black. The majority of the students took no particular interest in me nor evinced any hostility to my presence. The teacher, however, took exception to my critical questioning of his world view that seemed to be about locating success for black people in adoption of the American dream. As I had often found in conversation with white Americans, my British socialist leanings soon led to the view of me as a 'pinko-liberal'.

Two classmates made their separate impacts upon me. Butch was a twenty-something car plant worker who was taking a degree to try to escape from the monotony of the shop floor. He had a critical perspective which was much more akin to my own. In what I would later come to realize was effectively a Marxist analysis, Butch told me: 'My co-workers at the car plant don't understand they are being ripped off. The very thing that they are producing, they go to the dealership on the weekend and put down a payment to buy. They are buying back what is already theirs! They don't see it because they believe the lie that is the American dream.' We became friendly and went to lunch together one day in a local family style restaurant. As we were talking he suddenly stopped the conversation and said: 'Glance around, what do you notice?' When I looked puzzled he said: 'Everyone is staring at us because you are a white woman going out with a black man. It doesn't happen here in Detroit. People don't like it. People think black men want to rape white women.' Although I had gone to school in Sheffield with Pakistani children, probably some of the first wave of immigrants whose parents were recruited by steel firms in the east end of Sheffield where I lived, realizing that they



were different had not caused me to reflect in any way upon my own identity as a white person. Looking back, I can see that this was evidence of what Griscom (1992) suggests is the common assumption white people make about whiteness as the norm, resulting in an inability to see our own racial identity as an aspect of our social location. Butch was asking me to consider that negative assumptions were being made about the two of us because of the different colours of our skins. This was an extremely uncomfortable issue for me to consider. I didn't want to agree with him, but I felt that his understanding of the situation was far greater than my own. I felt alone, naive, foreign, and for the first time in my life, very white.

Lucky was a classmate who was never going to become my friend. As the class went on, I came to realise that he was hostile toward me because of my whiteness. During our classroom discussions, which inevitably focused upon racism experienced by black people throughout their history in the USA, Lucky made it clear that he associated me with the oppressors, and that by being white, I should accept responsibility for the oppression and enslavement of black people. It was my racial group who had done this. I could not escape it. This attitude forced me to consider myself as a representative of the oppressors who had first enslaved black people, but it also rocked my identity as a working class person who in England had experienced class condescension from middle and upper class people I had encountered. The accent I had was a working class Yorkshire one but heard by black working people from Detroit, its very Englishness said upper class. Lucky referred to me as 'European,' clearly delineating me as an oppressor of African-Americans. I did not have a particularly well thought out class analysis at that stage, but I did have a clear class identity. I was working class and proud of it. My father was a trade union member whose father had been active as a shop steward in the miners' strike of 1926. He and his brothers had been forced to leave their village in Nottinghamshire when the strike was lost because the pit owners would not re-employ union activists. I had been brought up with an understanding of class solidarity and an attitude of hostility toward the ruling classes. Now I was being forced to consider myself one of them! I was the same person but my location in the world and people's perceptions of me seemed to change who I was. There was an important lesson here about the nature of reality, and although I would be initially unreceptive to Berger and Luckman's (1963) view of reciprocity in the establishment of both identity and social relations when I first encountered it during my undergraduate social work training back in the UK, I now view these early experiences which challenged my self perception as key in the formation of my mature



ontological preferences. Lucky went further than Butch who had enabled me to recognise my whiteness. He underlined in me what Hitchcock (2001) has suggested is white people's natural inclination to look at life through the privileged status of a white person, which without a great deal of effort, makes it impossible to comprehend daily life as a person of colour might experience.

My race and class location were each challenged by these experiences and the insights gained were to fundamentally affect the development of my sociological understanding later on, although these strands were to wax and wane in terms of their individual impact at different moments in my career. The third crucial element of self that was challenged during this same period, was my gender. I did not have a clue what the term gender meant at the time, but I did have some uneasy feelings about the contradictions I had experienced in terms of my parents' differing expectations of their sons and daughters. Why was it acceptable for my brothers to go to university but not for my sister and me? My mother had brought me up to view my brothers as less competent than me, particularly in matters relating to the home. They were viewed as more needy and demanding, and my role was one of supporter to her as she responded to their needs. Then as I got older, the message came that rather than focusing upon a career of my own, my role in life was to secure a suitable man as a marriage partner. This generated another contradiction about why my success depended upon a relationship with one of these less competent, needier people. The answers to these questions were to take a number of years of painful reflection and study and were not to be fully answered for perhaps another decade. I did, however, begin to be influenced by feminist ideas. Feminists were 'busy uncovering the images, ideas and day-to-day practices through which women were subordinated' (Segal 1987, p13). I became aware of these ideas through the media – feminist bra burning and flour throwing protests at Miss World pageants which took place over a number of years during the 1970s – but more particularly it was feminist fiction that began to raise my consciousness. French's *Women's Room* (1978) challenged the dominant view of romantic love and marriage toward which I had been so strongly directed. Mira's boredom, depression and lack of sexual fulfilment are the abiding features of her marriage. I found her journey toward growth and self realization through her studies, work and wide ranging relationships, inspiring. The women and men in Piercy's *Small Changes* (1974) are experiencing the sexual revolution, experimenting with and discussing a variety of different ways in which they can relate to each other. Marriage is not ruled out; nor is it considered the only possible future for a heterosexual couple. Heterosexuality is also offered as only



one possible choice; homosexuality is a realistic and fulfilling alternative. 'Masculine' and 'feminine' identities are not fixed. Piercy develops these ideas much further in *Woman on the Edge of Time* (1976) where the personal pronoun for both men and women is 'per' and the genders are interchangeable. In a future world imagined here she experiments with the relationship between genders and generations, possibilities for communities and their Government, the work life balance, spirituality, and war. This is no Utopia, but the constant struggle of citizens for a better quality of life.

These formative experiences laid the foundation for eventual ontological preferences that would include an understanding of both micro and macro; of both agency and structure. Although initially I felt that structure was more important than agency, I eventually arrived at a position where agency and structure became equally important aspects of my world view. Two things became clear after eighteen months of working at Romeo Hills and studying part-time toward a degree. Firstly, as a foreign student in the USA it was going to be prohibitively expensive to complete the full course. Secondly, I needed to develop a much more thoroughgoing theoretical analysis and acquire professional training of some sort, were I to carry on working with the kind of vulnerable populations I had encountered at Romeo Hills. The dangers of running a controversial programme like that with unqualified staff were becoming clear: punishment was starting to creep into the regime and one staff member was disciplined for ill-treatment of a resident. It was time to go home.

### **Back in the UK: politics and social work**

I arrived back in the UK at what I did not realize at the time was an important historical moment: Mrs Thatcher was about to sweep to victory for the first part of what was to become an almost 20 year period of Tory Government, during which public services in Britain were to be transformed by the radical marketising and managerialising zeal of the Conservative Party. My own plan was clear: I wanted to become qualified to work with the kind of vulnerable populations I had met in my work at Romeo Hills. I gained a place on a four year Applied Social Studies/CQSW programme. The course had a Marxist orientation, and I immediately found the analysis valuable. Its historical dynamic was for me the first revelation of the role poor people had in social change. The centrality of the material conditions of production also made complete sense to me because it seemed that my family's circumstances had been defined by my father's role in the employment market. The sketch provided by Butch in Detroit a few months ago was now given a full theoretical framework which made a



great deal of sense to me. He had really been explaining the process of alienation of workers from their labour. The power of those with ownership of the economic base and the relationship between this powerful elite and the state was compelling. The analysis of the welfare state as part of the apparatus of control of a developed capitalist economy provided by Gough (1979) in *The Political Economy of the Welfare State* influenced the development of my perspective as a radical social worker. I developed a view of the social work role as empowering people to take their collective part in society. My world view at this stage was fundamentally structural. I was strongly opposed to the interpretive paradigm and as an undergraduate I wrote an essay refuting Thomas' assertion that 'If men define situations as real, they are real in their consequences' (Thomas and Thomas 1928, p572). I argued that situations could be real in their consequences whether or not people had the capacity to define them as real.

My own lived experience continued to present situations which could not be satisfactorily explained from the structural perspective I had adopted. My return to the UK to pursue a social work career, having abandoned my marriage plans, did not meet with the approval of my parents. I had rejected their definition of success, and they made their disapproval evident. Marxism could not help me with these and other experiences of sexism, and I turned to socialist feminism as a theoretical perspective which is critical of Marxism for failing to consider the ways in which class exploitation and gender subordination are intertwined. Marxism's focus upon economic production overlooks women's reproductive labour in the home and the exploitation of this labour in capitalist modes of production. Socialist-feminists emphasise the relations of gender, that is the oppression of women by men that Marxism has tended to ignore (Barrett 1980). The resulting theory is referred to as dual systems theory. Young explains it as follows: "dual systems theory says that women's oppression arises from two distinct and relatively autonomous systems. The system of male domination, most often called 'patriarchy', produces the specific gender oppression of women; the system of the mode of production and class relations produces the class oppression and work alienation of most women" (Young 1990, p21).

This theoretical perspective provided me with a way of understanding the structural framework that contextualized my work. It led me to active involvement with the Anti-Nazi League and with my trade union, NAPO and in particular the NAPO Action Group, a small left wing activist group within the Union. In my day to day work, however, I found myself having to rely on personal resources. I had chosen to become a probation officer upon qualifying. For me there was some clarity about this role. There



was an element of control because clients were directed to the Service by the courts. But there was a caring element as well. According to the Probation Rules, Probation officers were officially there to 'advise, assist and befriend' offenders (Home Office 1984b). The official discourse supported my role as caseworker with individual probation clients. The casework role had developed during an earlier mode of probation practice which had been underpinned by a psychodynamic theoretical perspective I did not share. My socialist feminist perspective drew me to a style of practice that interpreted the clients' difficulties from a structural perspective and led me toward a form of practice that was client-centred and anti-oppressive. I sought to raise the consciousness of women clients and support their efforts to escape from abusive relationships. I challenged the sexism of male clients and tried to engage in anger management work with them. Together with male colleagues, we tried to present non-sexist role models, often working in pairs to try to avoid potential collusion between male workers and clients. We had considerable autonomy in the work and, influenced by critical and feminist criminology, we sought to develop projects that addressed the particular needs of black and women clients. We sought ways of avoiding bias that had been found in pre-sentence reports and developed group work with male perpetrators of domestic abuse that also provided support for their women partners. Official discourse continued to support our work. We were encouraged to divert higher tariff offenders from custody. Our work in the courts was often reaffirmed by comments from members of the judiciary about what helpful reports we had produced. This belief in our work was crucial to our personal wellbeing as practitioners but more importantly to the continuation of the kind of practice we were engaged in. Magistrates and Judges handed defendants over to us, often telling them: 'the Probation Service is going to help you'. They believed that it was possible and so did we. So did the defendant. This is perhaps the most important aspect of the work that has influenced my ontological preferences. The day to day reality of the work involved a dialogue between myself and (usually) a series of individual service users. Each of these people had their own narrative that they desperately wanted someone to hear. Each of them had possibilities for change within them, and that was the key to my task: helping them to find those possibilities, or supporting their efforts to do so. The talk and dialogue between us was really the only resource I could rely upon. I could, of course, help with other practical matters to a greater or lesser extent, but even accessing these depended upon the client's willingness and commitment to do something with any resources presented to him or her. Having come from a structuralist position, I began to learn that a structural analysis was helpful



in assessing the oppression people might face, or in helping to challenge some of their prejudices. However, in undertaking the necessary work to develop solutions to their difficulties, it was people's own narratives, and their self belief, that were the building blocks. My job was to build a relationship, and to listen.

### **Learning to reflect**

As my career developed, I began to teach probation practice, eventually specializing full time in practice teaching (supervising and teaching student probation officers). This caused me to reflect on the nature of the knowledge I was employing in practice. Social workers have been accused of not taking sufficient interest in the evidence about the efficacy of their work, but there are some clear messages from the studies that have taken place. Howe (1993) reviewed a wide range of studies in the UK about what users of social work and related casework services found most helpful. Seligman (1995) carried out a similar study in the US. The key message that comes from such studies is that it is not the technique that the social worker or therapist uses but the quality of the experience from the client's perspective. Howe identifies the key themes from service users as 'accept me, understand me and talk with me.' He goes on to say:

'If one distils the messages that are contained in the accounts given by clients of their experiences of counselling and therapy – the need for acceptance and regard, and the search for understanding and meaning – it might be possible to claim that one is left with one very condensed but none the less quintessential observation: *clients seek to control the meaning of their own experience and the meanings that others give to that experience*. Control helps clients to cope, and it empowers. It boosts self-esteem and personal confidence, and ultimately it encourages people to believe that they are valued and worthwhile human beings' (Howe 1993, p195, original emphasis).

It was through the kinds of encounters in practice in which the dialogue between the client and me, and later between my students and their clients, formed the basis for an understanding of the problem and ultimately its solution, that my perspective shifted from a strictly structural one into one in which language and meaning were to become central. This is not to say that I abandoned the structural approach completely. I still valued this as providing an analysis of the bigger picture, but the day to day reality for my clients was how they perceived it, and in similar structural conditions, no two clients perceived their situation in quite the same way. Through my continuing studies as a practice teacher, I came to understand the process of professional knowledge acquisition



from the perspective of reflective practice, based upon the work of Donald Schon (1983, 1987) which has been influential in revealing how professionals do not merely apply theory to practice, but are actively engaged in the creation of knowledge through practice (Eraut 1994). Schon (1987) challenges the view that the dominant ‘technical rationality’ model of professional knowledge, which is based on a deductive, positivist epistemology, is adequate for understanding the creation of professional knowledge and competence. He points out that it fails to take account of those occasions in the professional work situation when individuals are called upon to deal with new, complex problems in a highly intuitive way. The two key concepts that Schon brings to bear upon the process engaged in by professionals in this situation are ‘reflection- in-action’, and ‘reflection on action’. Reflection-in-action occurs when professionals employ their existing knowledge and experience to the new situation. The realisation that the situation is different from previous ones encountered triggers the process of reflection. Though this is in some part conscious, it does not have to take the form of an open discussion with another person. It is always a critical process, challenging the professional’s existing knowledge, and leads to ‘on the spot experiment’ which then influences practice. Reflection-on-action occurs after the event when the professional talks the situation through. In social work this usually takes place within the line-manager/practitioner supervision process. Schon’s framework is not without its critics (aside from those who would prefer a return to technical rationality). Eraut (1994) has pointed out that the distinction between *reflection-in-action* and *reflection-on-action* is not sufficiently clear. There is also a problem around time – what happens, queries Eraut, ‘when time is extremely short, decisions have to be rapid and the scope for reflection is extremely limited (1994, p145). This understanding of professional knowledge acquisition accords with a view of social work as a practical-moral activity, rather than a technical-rational one (Parton and O’Byrne 2000). Social work is an art rather than a science, and one in which the messy, day-to-day lived realities of clients are as important to the knowledge base as the theoretical propositions acquired in formal professional training. What needs to be acknowledged from this perspective is that the solutions to clients’ problems are often incomplete and uncertain, and do not lead to clear, measurable outcomes. As Jordan points out, social work is as much about caring and sharing as it is about changing things. Changing things is often very difficult and social workers have to learn to live with the uncertainty of everyday life (Jordan 1978).



## **The beginning of the end**

What was not clear to me at this point was that the official discourse was on the cusp of change at the point that I joined the Probation Service and the consequences for my work were soon to become evident. The structural conditions that had supported the autonomous casework model of probation practice were being undermined, first by the etiological crisis in which crime continued to rise even though social conditions had improved and over the next decade by the penal crisis in which both crime and unemployment continued to rise, leading to a loss of faith in the kind of rehabilitative work I was engaged in (Young 1994). Ironically for me, as my perspective as a reflective practitioner taking an interpretive, narrative approach to my work began to mature, the drive toward a scientised, rationalised and proceduralised approach to practice had begun. The Home Office began to adopt an administrative approach to criminology in which offenders were seen as rational actors whose tendency to commit crime needed to be measured and controlled (Young 1994). The task became about identifying and managing risky populations and setting up systems of enforcement and evaluation that could be readily measured by a series of performance indicators. The day-to-day working relationship between probation officer and client was undermined in countless ways, so that people would be moved between teams depending upon the kind of order they were the subject of; they would be seen by one team if they were low risk, and another if they were high risk. They would be seen in a group for the first two sessions, then by an unqualified worker, and perhaps never by a qualified probation officer. We were told that the skills of qualified staff were to be used only to undertake assessments, and not to carry out interventions. Such interventions as were permitted occurred in groups, with pre-packaged, Home Office approved, cognitive-behavioural programmes. This of course meant that the solution to clients' problems had been pre-determined as resulting from cognitive dissonances developed in a poor learning environment. There was no room in this schema for the development of a shared model of understanding of the clients' problems. It is clearly an approach to practice based upon a technical-rational model of service planning where predictive techniques about 'what works' are applied. Indeed, so strongly was the efficacy of cognitive behavioural programmes believed in by the Home Office at the time, that targets were set for the numbers of offenders who were to be put through such programmes by specific dates. History has shown that these targets were amended - the Home Office originally hoped that 30,000 offenders would finish the programmes by April 2004. This figure had to be halved within a year of being set (Bright 2003). The kind of approach to practice



exemplified here is one in which the professional is in effect a technician implementing a prescribed programme. The wider context of this was the loss of trust in professionals, especially among policy makers. Professionals were no longer trusted to provide the best for those whom they serve without clear targets being set, and at the same time their autonomy was severely curtailed (Eadie 2000). Instrumentalism is strengthened as training becomes more prescribed, and the language of feelings and relationships becomes impoverished (Froggett 2002). For me, working in the Probation Service at the time, there was an uncomfortable feeling of *déjà-vu* about the wholesale imposition of behaviourist methods to a client group made up of diverse individuals.

As I will go on to chart in Chapters Four and Five, what is clearly happening here is that official discourse is beginning to diverge widely from practice discourse and to render almost irrelevant the kind of shared knowledge that had been developed in the kind of intimate, day to day practice that people like myself and my students were carrying out in our work with probation clients. Focusing here on what it was like for me as a practitioner, I felt as though I was experiencing a kind of cognitive dissonance, that is I was trying to hold two incompatible beliefs in my mind at the same time. The theory of cognitive dissonance states that contradicting cognitions act to compel the mind to invent new thoughts or beliefs, or to modify existing beliefs, so as to reduce the amount of dissonance (conflict) between cognitions (Festinger 1957). My world view was suddenly very much at odds with what the organisation demanded. It was not just tasks that changed but the very language with which we were able to talk about our work. The language and values of social work became deeply unfashionable and were replaced by a punitive-managerialist narrative that infiltrated every policy document, form, template and practice tool. I knew that I needed to get out at this point and move to a position where I would be able to continue to teach and practice as a social worker, but also where I would be able to reflect in a considered way upon what had happened to me. Some of the earliest research I did upon leaving the Probation Service was to interview some newly-qualified probation officers about their training and early practice experiences. What was striking for me about this was their struggle to find a space within which to reflect upon their practice, having been trained by practice assessors like myself who had encouraged their abilities as reflective practitioners. They were now faced with supervision which was about meeting organisational targets, and where time for reflection was minimal or absent (Gregory 2007). They were already experiencing conflict between what their training had prepared them to do, and the reality of practice.



Care is a fundamental element of social work, and whilst there has always been a recognition that control was its opposite axis, the balance between the two had been one that social workers in any context were used to negotiating (Parton and O'Byrne 2000). But social work is unique in its ability to address the specific welfare needs of individuals and families and recognising their own interpretations of their difficulties (Jordan 1987). Social workers have had to deploy their practical wisdom to deal with the conditions of uncertainty and complexity that they face in their every day encounters with clients (Fook et al. 1997). The care that underpins this enterprise is a crucial part of that practical wisdom because it recognises the relational aspects of the problems or difficulties that arise and the co-operative nature of the solutions that may be found. This is a very different approach from the wider criminal justice system, which operates on the basis of an ethic of justice in which the strict rules of due process are applied in a way which assumes a gender and race neutral subject. The Probation Service from its inception was permitted to divert defendants from that process and to work with them instead from a caring social work perspective. It enjoyed the state's mandate to do that effectively until the Criminal Justice Act 1991 when Probation became a sentence in its own right.

## **Moving on**

What I have been interested in since I left the Probation Service is how the changes to probation practice occurred at a policy level and what has been the impact upon the colleagues who, unlike me, have remained in practice. My own experience is that the change in a working environment from one underpinned by an approach founded upon care, to one founded upon punishment, was the most difficult aspect of the organisational change to deal with. I will go on in subsequent chapters to outline the critical history of probation practice from its inception paying particular attention to language and discourse, and will suggest that language that incorporates the ethic of care has been replaced by a masculinist discourse based upon the logic of justice.

I will then go on to explore the narrative accounts of my research participants, a group of 15 long-serving probation officers who have worked in the Probation Service over a period during which the change of policy direction I outline has taken place. I will examine how they make sense of their circumstances, and take note of the ways in which they employ the language of the dominant discourse in their accounts, or whether they continue to construct their world in the professional discourse they developed earlier in their careers. How they experience power or disempowerment will be of



particular interest. I will also observe the tensions created by their struggles to make sense of their changing environment consider how the dominant discourse operates to silence and render obsolete their worldview, and explore what if anything is revealed in their accounts that demonstrates their resistance to this silencing.

Before going any further, I must now address the issues of epistemology and methodology which are compatible with my ontological position. I think it is clear that the epistemological stance I will take will be one in which gender and power are problematised. It must include both propositional knowledge 'knowledge what' and practical knowledge 'knowledge how'. It must also include an understanding of macro and micro, structure and agency. These issues will be addressed in the next chapter.



## Chapter Three

### Methodology

#### Introduction

This chapter sets out the methodology of the study. It provides a theoretical framework for the research and outlines clearly the research strategy that flows from it. This chapter also aims to aid the dependability and confirmability of this research by '*showing the way in which interpretations have been arrived at via the enquiry*' and providing what Lincoln and Guba call an 'audit trail' so that the process of the enquiry is documented in a systematic and transparent manner (1985 p316). Ethical issues are attended to throughout the chapter.

The first part of the chapter outlines the theoretical framework which provides the structure for revealing the impact upon the research participants, a group of 15 long serving probation officers, of the changing policy and practice context from what I term a 'clinical' mode when they trained, to a 'punitive managerialist mode' in which they are now practising. I take a feminist social constructionist approach, and because I am a practitioner with considerable experience in the research environment, an autobiographical element is included. The two key theoretical strands of analysis are discourse and the ethic of care. The chapter first explores Foucault's theory of discourse, drawing on examples from the critical history of probation practice to show how discourse operates to produce particular versions of practice at different historical junctures. There follows an outline of the ethic of care and, prefacing the discussion which will be outlined in more depth in the critical history chapters, it will be suggested that elements of the ethic of care can be traced within the 'clinical mode' of practice. It will be argued that since 'punitive managerialism' has become the dominant practice discourse, the ethic of care has been overshadowed by the ethic of justice. The second part of the chapter delineates the methodological preferences which flow from a feminist social constructionist standpoint and then sets out the research strategy, including the methods used for data gathering and analysis. Throughout there will be consideration of ethical issues, including in particular consideration of my position as an erstwhile 'insider' to the group of research participants.

#### Feminism and discourse

There is something slightly paradoxical about feminists' use of discourse theory since its originator, Foucault has been severely criticised for his lack of interest in the



inequalities of gender (Howe 1994). However, feminists have found Foucault's approach to the theorising of power within discourse theory particularly useful in exploring the relations of power and how different groups within society negotiate power relations (Mills 2004). The advantage of this from the feminist point of view is that rather than viewing women simply as a group oppressed by men within patriarchy, they have been able to take Foucault's understanding of power being produced by and through discourses, to develop a model of power as it is produced and resisted in the social relations of everyday life. As I discuss below, this has proved extremely fruitful in examining many facets of women's experience. From my own point of view it has been a valuable aide to an understanding of policy and practice which incorporates macro and micro, structure and agency.

### **What is a discourse?**

Several definitions seem to be helpful. At its narrowest it has been described as 'a system of statements which constructs an object' (Parker 1992 p5). But this is perhaps too narrow as what is being constructed is more than an object. Broader descriptions include:

'A set of meanings, metaphors, representations, images, stories, statements and so on that in some way together produce a particular version of events. It refers to a particular picture that is painted of an event (or person or class of persons), a particular way of representing it or them in a certain light' (Burr 1995 p48).

Purvis and Hunt say that a discourse 'refers to the individual social networks of communication through the medium of language or non-verbal sign systems' (1993 p485).

Watson (2000) suggests that we should understand Foucault's notion of discourse as a framework of meanings which are historically produced in a particular culture at a particular time. This comprises all the ways in which knowledge is constituted within a particular society. As well as expressions of belief and ideas, this also includes related social practices, forms of subjectivity and power relations which are inherent in the knowledge (Fook 2002).

Particular statements do not belong to any particular discourse, but Foucault says that 'there are rules of discourse (practices, technologies) which make it possible for certain statements to occur and others not at particular times, places and institutional locations' (1972/1989 p21). This is because discourses are inextricably linked to the social structure and social practices that make up the lived experiences within society



(Burr 1995). Those with power have the ability to control the rules of discourse that Foucault identifies. Power is exercised through control of discourses. Although Foucault rejected Marxism, I want to use an understanding of discourse that 'supplements discourse theory rather than opposing it' following Purvis and Hunt because I think this effectively expresses the ability of those with power to influence the rules of discourse and to control discourses. Drawing on the work of Hall (1983) and Laclau and Mouffe (1985) they arrive at an explanation in which discourse is *process* and ideology *effect*. An example from the 'moral mode' of probation practice which I go on to discuss in Chapter Four is the discourse of Victorian femininity which presents women as inherently good, and the 'normal' woman is therefore expected to behave in an exemplary fashion. The ideological effect of this is that when women do behave in ways which are outside the law this is conceived as abnormal, and women are therefore over-represented in the population of pauper-lunatics (Zedner 1991).

Discourses are probably at their most powerful when they are internalized, and therefore begin to operate as disciplinary power. Foucault's analysis of sexuality demonstrates his understanding of how this occurs. During the process of industrialization the population began to move from the countryside and to gather in cities. For the first time 'population' became a problem and it became necessary to understand the birth rate. From this the state became interested in the control of sexual practices, and began to assume the power to define and control what were acceptable and unacceptable sexual practices. Through the church and the family these definitions were passed on to individuals who internalized them and then the process of self-discipline could begin (Foucault 1976/1979). Sexuality was not the only area in which there was a burgeoning of disciplinary control. Psychiatric discourse developed categorizations of sanity and insanity, later extending to the vast array of psychiatric classifications for the mentally different. Criminological discourse addressed itself to the study of criminals, and the prison became a metaphor for the kind of carceral society which later developed, of which the Probation Service is categorically a part. Demonstrating the internalization of discourses within the area of criminality, Foucault borrowed the idea of Jeremy Bentham's panopticon. The panopticon is a prison which is designed so that prison warders can view inmates at all times - 'the all-seeing eye'. The threat of the warders' gaze would eventually condition prisoners to control their own behaviour, ultimately producing self-discipline. Disciplinary power therefore results in producing norms of behaviour to which individuals adhere and become complicit in their own control (Foucault, 1977b). As I go on to outline in Chapter Four, the discourse



of probation practice at its inception is one of morality, in which the probation officer (or police court missionary) is seen by the court, and sees himself, as 'saving souls'. In the subsequent clinical mode, discourses of treatment and help, support practice. The self discipline here is the acceptance by all parties concerned of the prevailing discourse, and when the magistrate says to the defendant 'the probation officer will help you' all parties to the proceedings give credence to the advice.

### **Discourse, power and reality**

The complexity of the relationship between discourse and power and how it impacts upon perceptions of reality are addressed by Foucault in *The Archaeology of Knowledge* (1972/1989). He wanted to get away from Marxist ideas of economic determinism, and so discourses are not in any simple way sets of utterances which reflect a particular economic base. However, the practical and social conditions of existence are seen as culturally encouraging for some representations rather than others (Burr 1995). There is in this sense a reality which discourses reflect. Laclau and Mouffe's way of encapsulating this is quite straightforward:

'The fact that every object is constituted as an object of discourse has nothing to do with whether there is a world external to thought or with the realism/idealism opposition. An earthquake or the falling of a brick is an event that certainly exists, in the sense that it occurs here and now, independently of my will. *But whether their specificity as objects is constructed in terms of 'natural phenomena' or expressions of the wrath of God' depends upon the structuring of a discursive field.* What is denied is not that such objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive condition of emergence' (1985, p108, emphasis added).

Our perceptions of reality are influenced by what Foucault termed discursive structures. He sees discourse as shaped by 'a delimitation of a field of objects, the definition of a legitimate perspective for the agent of knowledge, and the fixing of norms for the elaboration of concepts or theories' (Foucault 1977a, p199). Let us apply these three structural rules to criminal justice discourse since the late 1970's. With the application of the first rule of this tripartite structure, the field of objects has been narrowed in a way that reduces interest in crime causation. I will discuss the socio-political context of this in some detail in Chapter Four. Briefly, what Young (1994) has called 'the etiological crisis' occurred in the mid 1960's when the Government began to realise that despite vast improvements in socio-economic conditions, crime continued to



rise. When this was followed in the mid 1970's by a further crisis, this time labelled 'the crisis in penalty' in which both crime and unemployment seemed to be rising inexorably, official criminology began to turn its attention away from the difficult issue of crime causation, and toward research which examines ways of controlling, managing and designing out crime. From the perspective of this '*new administrative criminology*' crime causation is no longer the key focus of official attention (Young 1994). If causes of crime are no longer of interest, then the kinds of punishment options that were predominant within the rehabilitative paradigm, which involved providing individual treatment programmes or focused attention on the development of welfare policies, were no longer seen as of any value. This development has been termed 'the decline of the rehabilitative ideal' (Garland 2001).

The second rule, legitimation of the agent of knowledge, may be interpreted as being the necessity for the individual to establish their right to speak (Mills 2004). The decline of the rehabilitative ideal has had a huge impact upon the legitimacy of the social work profession as a party to criminal justice discourse, because as the underlying aim of its work has been discredited, its legitimacy has also suffered. Legitimacy cannot now be claimed on the basis of rehabilitation and treatment of the offender. Instead legitimation is claimed by those who can demonstrate technical efficiency – measurable outcomes by which it can be shown that certain treatments lead to a reduction in recidivism (Webb (2001). The rise of the 'what works' agenda in probation practice, which I discuss in Chapter Five, is a prime example of this. Professional judgement has declined in legitimacy against statistically based meta-analyses of studies demonstrating which cognitive behavioural programmes demonstrate reductions in recidivism or other measurable outcomes (McGuire and Priestly 1995). The legitimacy of the values of practice have also been called into question, as I discuss later in Chapter Five, and probation practitioners are warned against reaffirmation of their former values because they would not be taken seriously (Nellis 2001a). Government documents also directly delineate legitimate language by pointing out the illegitimacy of certain terms and prioritising others as in the examples I give in Chapter Five from 'Joining Forces to Protect the Public' (Home Office 1998) and the preface to the 2000 National Standards. It is hard for entrants to the discourse to be taken seriously unless their utterances conform to these discursive structures. However, it is important to note that Foucault does not see discursive structures as monolithic. Therefore there are always possibilities for alternative discourses to emerge. In the same way as power and knowledge are linked, so are power and resistance, and it



is through this process of resistance that alternative discourses develop to challenge prevailing ones (Burr 1995). Indeed, for Foucault, resistance is integral to power, part of how it works:

‘Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power’ (1979, p95).

Examples of this given in Chapters Four and Five are the ‘non-treatment paradigm’ which provided a challenge to the prevailing positivist paradigm of diagnosis and treatment, which focused on help and support as opposed to treatment (Bottoms and McWilliams 1979), and of course the range of critiques of mainstream criminology provided by feminists and black criminologists, which in turn underpinned some of the anti-oppressive approaches to probation practice.

The third rule which forms the discursive structure, ‘the fixing of norms for the elaboration of concepts or theories’ can be seen in criminal justice discourse in a number of ways. Reducing the focus upon theoretical approaches that consider crime causation in favour of approaches which regard crime as a normal social fact, obviates the need to develop theories or concepts to address either the sociological or psychological causes of crime. Such theories had been the mainstay of criminological thought during the post-war period, and theories like anomie, labelling theory, relative deprivation and sub-cultural theory were applied to individuals and groups of offenders. Solutions were sought in individually rehabilitative treatment programmes or welfare measures (Garland 2001).

Since the late 1970’s such theories have been abandoned in favour of a broadly administrative paradigm in official criminology, which assumes crime as a normal social fact which needs to be controlled and designed out. Social and situational control is now the goal of criminal justice practice. Risk assessment and risk management are the tasks of criminal justice professionals. Instead of providing treatment, the goal now is to enforce discipline. The focus has moved away from the actor and toward the act. Whilst concepts and theories no longer have to focus on the criminal as actor, there is another key focus that has to be addressed, and this is the victim. The rehabilitative paradigm tended to subsume the victim under a broad understanding of the public interest which was represented by the criminal justice system itself. It was assumed to be working in the public interest, and very little further elaboration was required. Now, concepts and theories which will receive discursive priority are those which recognise



that the public must be protected, and that the victim must have a place and a voice in the proceedings and in policy (Garland 2001). In terms of day to day probation practice itself, assessment of the victim's needs has become a standardised part of probation practice so that officers must take account of it in completing assessments and reports. There are teams whose job it is to liaise with victims, and statutory requirements to comply with such as notification of victims when life sentence prisoners are due to be released. Despite these developments, policy discourse frames the public as never satisfied with the extent to which policy takes account of victims' needs. The white paper which preceded the Criminal Justice Act 2003 tells us that 'the public are sick and tired of a sentencing system that does not make sense' (Home Office 2002a p86), and also that 'many victims feel that the rights of offenders take precedence over theirs' (Home Office 2002a, p37). The 'single clear priority of the Criminal Justice Act 2003, is therefore to 'balance the criminal justice system in favour of the victim' (Home Office 2002a, p14). As I note in Chapter Five, the effect of this aspect of discursive structure as it applies to the discourse on victims is that anything that benefits the interests of offenders is seen, as if in some zero-sum game, to damage the interests of victims (Tonry 2004). The victim discourse demonstrates the implications of the rules of discourse for the way power operates in society. A particular knowledge or version of events, like the idea that the victim must be a key priority of the criminal justice system, becomes thought of as the truth, and that brings with it power: Foucault's knowledge-power couplet (Burr 1995).

Another key aspect of power in Foucault's understanding is his conception of subjectivity; modern power is not authoritarian or conspiratorial but it still manages to produce and to normalise docile subjects to serve prevailing power relations. Foucault suggests that we do not view power as in the possession of certain individuals or classes. We further recognise that power is not random or haphazard but is constructed within particular historical and cultural moments - for example the development of disciplinary power accompanied industrialisation (Foucault 1977b). Disciplinary power is not sovereign, it is 'a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another or distinguish themselves from one another [but which] gradually produce the blueprint of a common method' (1977b p 138). He sees disciplinary power as operating through the schools, the hospitals and the factories. Thirdly, power produces prevailing forms of subjectivity, not through repression or coercion, but through the internalisation of the disciplinary power by individuals, who then contribute to their own subjugation:



‘He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; He makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection’ (1977b p202).

Foucault’s understanding of power as diffuse and operating through discourse has meant that although he did not see gender as an important category for analysis, feminists have been able to adapt his ideas in the development of feminist theory, whose understanding of power does not subordinate gender to class. Feminists have analysed how gender is constructed through the discourse of romantic love (Averill 1985), and the social construction of sexuality and the body (Sawicki 1991). Bordo (1990) has analysed women’s apparent complicity in the subjugation of their own bodies – producing themselves in ways which are preferred by men. Within criminology Zedner (1991) has adapted Foucault’s method to produce a detailed historical account of women and punishment, addressing not only imprisonment but the wider criminal justice process. This enables her to demonstrate the emergence of the social construction of women as ‘mad’ rather than ‘bad’. The practices contributing to this are outlined in relation to women and imprisonment by Dobash et al. (1986) and Carlen (1983). Smart (1989 p4) uses Foucauldian analysis to show how the law has ‘an ability to impose its own definition of events on every day life’. She shows how the law manages to retain the power to assert its definitions against opposing discourses such as feminism. Howe (1994) attempts to provide a thoroughgoing analysis of the punishment of women from a Foucauldian perspective but engaging in a critique of Foucault and other male criminologists for their lack of a gender perspective because, as she puts it ‘women have always been controlled and disciplined, if not in. . . State controlled ways. . . by other State control systems, notably social security and , more broadly, within civil society.’

These feminist analyses have in common a view which challenges the ‘ethic of justice,’ an approach to punishment in which due process is applied to a race and gender neutral, rational, autonomous subject. An alternative perspective, based upon a contextual and relational conception of morality, is the ‘ethic of care’ (Gilligan 1982). The ethic of care is suggested by feminist theorists as the possible basis of a feminist approach to the study of punishment (Fox 2000). In Chapters Four and Five I explore how policy discourse has become dominated by the ethic of justice, which has displaced



the ethic of care, elements of which I argue may be found with probation practice in the ‘clinical mode’.

### **Ethics: a definitional note**

Before embarking upon the discussion of the ethics of justice and care, it is important to say a word or two about the understanding of ethics that is being used. This is particularly important because the terms ‘ethics’ and ‘values’ are used within the social work literature in a way that is confusing and often conflates the two. I will establish definitions of ethics and of values which will be used throughout this chapter and those following it. In one understanding, ‘ethics’ is the term ‘used to describe a branch of philosophy concerned with the study of morality’ (Frankena, 1963, p3). Two other commonly understood uses of ‘ethics’ are ‘a set of moral principles’ (OED, 1995), and in relation to professions, ‘ethics’ is often used to mean a code of professional standards or conduct to which professionals are expected to subscribe, such as CCETSW’s Paper 30 (1991) or the General Social Care Council Code of Conduct (GSCC 2000). This is the understanding of ‘ethics’ used in the discussion of probation values in Chapter Five. In common English usage, the terms ‘ethics’ and ‘morals’ are often used interchangeably, which is not particularly problematic because ‘morals’ is derived from the Latin (*mores*) and ‘ethics’ from the Greek (*ethos*), both of which translate as habits or customs (Banks 2001, p5).

The use of ‘ethic’ in Gilligan’s ‘ethic of care’ is not, it would seem to me, an attempt to establish a new branch of moral philosophy. Gilligan is a psychologist whose intention in ‘*A Different Voice*’ is ‘to clarify two related sets of problems; problems in psychological theory and problems in women’s development’ (1993, p208). Though at no stage does she define the term ‘ethic(s)’, she appears throughout to be using the term ‘ethic’ interchangeably with morals, and in the simple form of ‘a set of moral principles’. So for example, although she mainly speaks of ‘the *ethic* of care’ and ‘the *ethic* of justice’ she also says: ‘I describe care and justice as two *moral* perspectives that organise both thinking and feelings and empower the self to take different kinds of action in public as well as private life’ (1993, p209, emphasis added). Throughout her discussion of the vignettes discussed with participants, she discusses the ‘moral judgements’ they use in working out their answers to the dilemmas. When discussing the ethic of care, we will share Gilligan’s understanding of the meaning of ethics.

The term ‘values’ in common English usage ‘often refers to relating to one or all of religious, moral, political or ideological principles, beliefs or attitudes’ (Banks 2001,



p6). In this formulation, it equates almost precisely with the understanding of ethics as 'a set of moral principles'. However, in the social work literature, the term values often encompasses a normative element, in that it is taken to reflect the kind of moral principles that social workers *should* adhere to. Banks for example defines values as 'the fundamental moral/ethical principles of social work'. 'Values', in this formulation is often equated with the definition of 'ethics' as relating to professional conduct, and this is the understanding of values that is used in the discussion of probation values in Chapter Five.

### **The ethic of care**

I will now go on to outline the theory of the ethic of care and show how it diverges from the ethic of justice. Whilst I do not want to try to argue that probation practice prior to punitive managerialism was based upon a theoretically sound ethic of care perspective, I will give examples from the critical history chapters which highlight the presence of an understanding of care within probation practice that contains some of the elements present in the ethic of care. I will also try to demonstrate how the understanding of care has been overshadowed by the ethic of justice in recent decades. These issues have relevance not only for the policy/practice discourse outlined in the critical history chapters, but also for the experiences of my research participants and the narratives they draw upon to make sense of their own experiences of these policy/practice changes. Clement (1996) suggests that the ethics of care and justice are particularly important because they are more than just two variants of ethical theories in that they each encompass a fundamental dimension of all human relationships. The ethic of justice encompasses equality and inequality, and the ethic of care encompasses attachment and detachment. Both these sets of questions are relevant to any context in which human relationships are being discussed, studied or experienced.

### **What are the ethics of care and justice, and how do they differ?**

The 'ethic of care' was first put forward by Carole Gilligan as a different perspective on moral development from that developed by Kohlberg, for whom she had formerly worked as a research assistant. Kohlberg's (1969) theory of moral development, termed 'the ethic of justice' was developed from his work with white middle class school boys, but had been deemed a generalisable theory of moral development. In brief, the ethic of justice views moral problems as the conflict of opposing claims between individuals deriving from their individual rights. Moral



failures occur when rights and duties are interfered with, possibly resulting in violation and oppression. A hierarchy of rights and rules is applied to weigh the competing claims against each other. Solutions to moral problems are arrived at by the rigorous application of rules guided by a commitment to obligation, equity and fairness (Gilligan 1982).

Gilligan's work with women participants revealed that they employed a very different concept of morality to moral dilemmas they were presented with, and this she termed the 'ethic of care'. The care perspective views moral problems as emanating from tensions or ruptures in relationships. Moral failure results from failure to meet need, and rather than resulting in violation or oppression is viewed as leading to hurt and abandonment. In care reasoning, the solution to moral problems is sought by employing sensitivity to the needs of persons in their particular situations, together with a judgment about responsibility (Gilligan 1982).

Most accounts of the ethics of care and justice tend to summarise their differences along three dimensions (Clement 1996, Gilligan 1987, Sevenhuijsen 1998, Tronto 1993):

*i Abstract view versus concrete view of moral problem*

The ethic of justice as a form of moral reasoning tends to seek the application of abstract rules to any particular situation, so that we must abstract from the particular aspects of a situation to see how they come under a general rule. Benhabib refers to this as 'taking the standpoint of the generalized other' (1987 p 163). The ethic of care does the opposite of this by focusing upon the unique and specific features of each situation, so that instead of abstracting from those features to derive a general and abstract rule, the ethic of care would make the moral decision based upon those particular features. In a criminal court case, the way the judge makes use of precedent is an example of justice reasoning, abstracting from the particular situation those features which would come under the general rule of precedent. Like cases have been dealt with in this way, and we will therefore deal with this similarly. Care reasoning comes in with the pre-sentence report in which the probation officer will put before the court the unique details of this particular defendant's life, and will suggest a way of dealing with the case based upon that individual and his or her own life.

*ii. Separateness versus connectedness.*

The second commonly cited distinction between justice and care is in their conceptions of the self. The ethic of justice is based upon the assumption of



separateness between people, so that in accepting our obligations toward others, we must in some way consent to them. There are therefore notions of free will and choice in accepting our moral obligations. Care on the other hand emphasizes connectedness, meaning that our obligations (or what Tronto (1993) prefers to call responsibilities) toward others must be recognised rather than being freely chosen. The ethic of care therefore emphasizes responsibilities and relationships and the ethic of justice freedom and choice. The justice view of the criminal defendant is one of a freely choosing, freely acting individual to whom the abstract rule of law should apply. Again, the care perspective is provided in the pre-sentence report which contextualizes the defendant's behaviour within their relationships and responsibilities, including factors which may have contributed to their commission of the offence, as well as factors which will impact upon them if a particular sentencing approach is taken.

*iii. Different priorities: Achievement of equality versus maintenance of relationships and meeting needs.*

In the ethic of justice equality has a high priority, albeit that different conceptions of justice would interpret equality differently. The ethic of care is usually contrasted with an understanding of justice which connects it with notions of equality as fairness in balancing individual rights (Orme 2002). In contemporary discourse for example, it is argued that victims are not accorded their equal right to justice by the courts because the system prioritises the rights of defendants. The ethic of care on the other hand prioritises the maintenance of relationships and the meeting of needs. The approach of *restorative* justice to victims exemplifies this approach because it is one in which the victim's and defendant's needs are taken into account through a process in which a relationship between them provides the basis for dealing with the offence. Its contextual and relational approach enables both sets of needs to be taken into account in a way which does not lead to the 'zero-sum' approach resulting from the justice perspective expressed in a desire to rebalance the system in favour of victims (Tonry 2004).

**Justice and care: in opposition?**

The ethic of care was developed in opposition to an ethic of justice which encompasses principles of autonomy, separateness, rationality and impartiality and these two ways of viewing moral problems are in opposition to each other (Sevenhuijsen 1998). Gilligan (1982) pointed out that the view of justice and moral subjectivity she identifies in Kohlberg's work is similar to the concepts of distributive justice and rational choice developed by Rawls (1971). It will be argued in Chapters



Four and Five that such an approach to justice has developed with the collapse of the rehabilitative paradigm which underpinned criminal justice policy in the immediate post-war decades, with a concomitant undermining of the care ethic. However, it is not argued that social work and probation practice was underpinned fully by an ethic of care, nor is it argued that justice is an unimportant concept which could be supplanted with an ethic of care. Social work and probation practice have always straddled the divide between care and control, and probation in particular has had to work across the care/justice divide. One of the issues to be explored in this work is the relationship between care and justice in an effort to understand the possibility of a form of practice in which elements of both are compatible. Viewing justice and care as social *practices* which are historically and socially constructed enables the analysis to take account of the power relations inherent in such practices.

### **The ethic of care and formal ethics**

The ethic of care began life as a concept used to illuminate the moral development of research subjects and has become shorthand for a moral perspective more likely to be employed by women and some other groups than by white middle class men. It nevertheless has been developed into a much more formal ethical theory and as such has been compared to other ethical positions. The ethic of care is usually contrasted with Kantian ethics which views the person as a moral agent with a basic capacity for self determination and individual reason. Kant regarded this capacity of rationality as marking the person out as an individual, but also giving *him* equality with others. Two key moral imperatives which have particularly influenced social work practice are respect for the person and the importance of consistency and universalisability in the form of moral judgements. Kant regarded individuals as free, rational and autonomous with the ability to make choices and decisions for themselves. Within the literature on social work values, the Kantian principle of respect for persons has usually been linked with justice, conceived in people's rights being observed because they are respected as persons (Clark and Asquith 1985).

The ethic of care is contrasted with Kantian ethics and linked with virtue ethics, originating with Aristotle but also taken forward in the work of the Scottish Enlightenment thinkers, notably David Hume (1711-1776). Aristotle's concept of *phronesis* (loosely translated as 'practical wisdom') is one in which judgement, choice and reflection is brought to decision-making based upon the detail of specific, concrete situations and with a view to doing good (Whan 1986). This relates to the ethic of care's



prioritisation of relationships and its tendency to see the problem within its specific context. Hume similarly opposed the Kantian imperative of applying universal laws, but regarded ethics as involving a complex of factors including sentiment, instrumental reason, self interest, custom and historical chance. Hume saw morality as an instrument to promote happiness, but also believed that emotional needs and desires should be tempered by reflection and self-control (Sevenhuijsen 1998). In a different conception of the individual from that encapsulated in Kant's respect for persons, Hume conceived individuals as recognised by their relationship to each other, so that morality is bound to social practices, and to human motives and emotions. Virtue ethics in summary 'places emphasis upon judgement, experience, understanding, reflection and disposition' within the individual actor (McBeath and Webb 2002), and in terms of social work practice, suggests the worker as a reflexive helper, identifying the unique and particular aspects of another person's life and intervening in a way intended to do good (Whan 1986). These ideas will be developed more fully in subsequent chapters.

### **Are care and justice gendered concepts?**

This is a controversial point. Kohlberg's theory of moral development attracted criticism for being not only masculinist but also elitist and hierarchical because lower class and black people as well as women were regarded from its perspective as having poor moral development (Tronto 1993). Gilligan's essential critique was however founded upon the fact that Kohlberg's research participants were white middle class males. If women were researched using similar techniques, a *different* moral voice appeared. Gilligan did not propose that the voice was solely a *women's* voice, but revealed a contextual, relational and experiential perspective that women participants brought to the moral dilemmas, and which had been missing from Kohlberg's work because he had omitted women's experience. She notes that the association of the *different* voice with women is an empirical observation, and that the association with women is not absolute, and the different male and female voices are presented to outline the differences between the two modes of thought, and to 'focus a problem of interpretation rather present a generalization about either sex' (1993 p209). In the book '*In a Different Voice*' in which she outlines her research on moral development, Gilligan is clear that she makes no claims about the origins of the different voices (1982). However, in a separate publication, Gilligan's associate Nona Lyons proposes that the ethic of care and the ethic of justice are linked to female and male notions of self. That is the female understanding of self which is developed from an understanding



of connectedness to others, and the male notion of self which is developed from a perspective of separation and differentiation from others (Lyons 1983). Gilligan (1993) comments when responding to critics of '*In a Different Voice*' that they do not dispute the well-established psychological literature on gender differences in socialization and psycho-social development of boys and girls. Greeno and Maccoby (1993) review a number of studies which support this view. She fails to understand therefore that the same critics are surprised that these different experiences of growing up may affect men's and women's approaches to moral dilemmas.

Critics have suggested that Gilligan failed to demonstrate a correlation between women and the ethic of care. In an extensive meta analysis to try to establish the validity of this claim, Jaffee and Hyde (2000) analysed 113 different studies and found that 73% of studies looking at care orientation and 72% of studies looking at justice orientation did not reveal a statistically significant gender difference. Others have suggested that Gilligan and her associates heard what they wanted to hear based upon their own feminist standpoint, and in reality made a similar mistake to Kohlberg, whose research they criticised (Houston 1987). Gilligan answers these critics by stating that she had no intention to imply a statistical correlation between her women participants and all women's understanding of morality, nor did she seek to generalize the ethic of care to all humanity, as Kohlberg did with the ethic of justice. What she intended instead was to develop an interpretive understanding of the *different* voice of women, which had been left out of Kohlberg's understanding of moral development. She saw a different interpretive framework used by women in their understanding of moral dilemmas and this raised for her a new set of questions about both men's and women's moral development. Crucially, data on girls and women which from the Kohlbergian perspective had suggested deficiency in female reasoning, was alternatively interpreted by Gilligan as a deficiency in psychological theorizing (Gilligan 1993).

Considering these ideas in relation to criminal justice, Heidensohn (1986) has argued that although the ethic of justice can be seen to predominate in criminal law at the expense of the ethic of care, she denies that these are gendered concepts but instead re-designates them the Portia principle, which emphasizes rules and individual responsibility, and the Persephone principle, emphasizing relationships and conflict resolution. The position I have taken throughout this work is that the ethics of care and justice are gender-related only in so far as the result of applying the justice approach universally to all human subjects is that women's behaviour cannot be correctly understood or dealt with, because the universal subject is in reality a white male.



Examples of the double jeopardy suffered by women defendants, their pathologisation within or exclusion from criminological theory, the tendency to assume that women are ‘mad’ rather than ‘bad’ and other consequences of generalizing from research on male subjects are outlined in Chapters Four and Five. I do not propose that the ethic of care is restricted to use by women and the ethic of justice similarly, by men. On the contrary, my position is that elements of the ethic of care may be found in much of social work and probation policy and practice discourse, particularly within the ‘clinical mode’ and it is these elements that have been overshadowed or lost within the mode of ‘punitive managerialism.’ The actual practice of probation was in the clinical mode a way of inserting *care* into *justice*. It was through the practical-moral activity of the probation officer’s relationship with the client that a pre-sentence report was introduced into the proceedings to provide the real human context of the offence, with its unique and particular features which could otherwise be seen as an abstract occurrence, dealt with by the application of due process.

### **What do we mean by care?**

Gilligan developed the following definition from her work with research participants:

‘The moral imperative that emerges repeatedly in interviews with women is an injunction to care, a responsibility to discern and alleviate the real and recognisable trouble in this world’ (1982, p100). In this definition, care is about recognising the needs of others and acting upon them in a way that alleviates ‘trouble’.

Her critics have accused Gilligan of equating care with the outdated nineteenth century ideal of pure womanhood. Gilligan rebuts this by pointing out that her definition was developed by asking modern women such as doctors, lawyers and college students to talk about difficult moral decisions, for example having an abortion. She also asked them to reconsider their understanding of care in the light of their experiences of behaving in ‘feminine’ caring ways that resulted in betrayal, hurt and abandonment. Far from portraying ‘the paralyzing image of the angel in the house’ Gilligan argues that she identifies a ‘critical ethical perspective that calls into question the traditional equation of care with self-sacrifice (1993, p209).

Developing Gilligan’s definition of care, other authors have stressed the idea of care as a social practice. If we see practice as:



‘human action which is socially based and organised, underpinned by formal or informal institutions, usually a combination of these’ (Frazer and Lacey 1993, p17).

Following Frazer and Lacy, Sevenhuijsen (1998) stresses that practices are both the product of, and are produced by, discourses. Practices therefore follow informal rules and habits and are shaped by normative structures and interpretive customs. She concludes:

‘Against this background, care can be seen as a mode of acting in which participants perceive and interpret care needs and act upon these needs’  
Sevenhuijsen (1998, p 22).

This definition would encompass Gilligan’s research participants’ understanding.

Tronto (1993) shares the view of care as a social practice and develops a much more detailed model for the practice of the ethic of care. She identifies four elements of care, each of which carries its own ethical element. I will outline each of the elements together with its ethical concomitant below:

### *i Caring about*

This refers to recognising the care needs of others. The ethical element here is attentiveness because we cannot possibly respond to the needs of others if we do not recognise them in the first place. Ignoring the needs of others is posed as a form of moral evil, the diametric opposite of attentiveness, and she quotes Arendt’s study of Eichmann in which the banality evil was captured in his lack of attentiveness to the consequences of his behaviour and the regime that he supported, so focused was he upon his own career (Arendt 1963). Care contains a power dimension, in which this first element, caring about tends to be the province of the powerful, so that it often relates to policy makers and providers.

### *ii Taking care of*

The ethical element here is responsibility which Tronto regards as a central moral category. She distinguishes between responsibility and obligation by stressing responsibility as embedded in a set of implicit cultural practices, as opposed to the formal rules or promises implied by obligation. She is talking about the responsibility to care, as opposed the notion of individual responsibility associated with the ethic of justice. In a similar way to caring about, taking care of often has a considerable degree of power, particularly when it is carried out by professionals.



Medicine is a good example of a powerful caring profession, and social work practitioners spent a good deal of their early years developing a professional identity which tried to acquire a similar level of power and status (Gregory and Holloway 2005). Responsibility also recognises the state's role in recognising the conditions in which their responsibilities have been created, so that the needs of offenders for example as citizens who may have suffered from oppression must be taken account of in the provision of services to them. This is an important ethical principle in care: seeing the individual requiring care in their full social context.

### *iii Care giving*

The ethical element of care giving is competence. This is important because intending to provide care, and then failing to provide good or acceptable care is to fail in the end to meet the need for care. Care giving is more often associated with the less powerful and often takes place privately, within the home and without pay, although its status is elevated when it takes place at a professional level.

### *iv Care receiving*

The ethical element here is responsiveness. We need to be aware of the response of the care-receiver because this is the way of understanding that their needs have actually been met. We must also remain alert to the possibilities that arise with vulnerability, and are able to understand the needs of the other by putting ourselves into their shoes. Care receiving is similarly associated with powerlessness (Tronto 1993).

### *v Integrity of Care*

For any system of practice to have integrity, the different elements must cohere to form a whole, functioning service. Tronto acknowledges that this is not a simple process and that trying to balance the different elements of the system is complex and will inevitably involve conflict.

## **Probation practice as a form of care**

I now want to examine the development of probation practice in order to show that some elements of the ethic of care are contained in policy/practice discourse until the demise of the 'clinical mode'. My starting point is the moment when there began to be a change to the understanding of responsibility, both on the part of the state toward the individual, and of the individual subject. As will be outlined in Chapter Four, the



operation of the penal system at the point of probation's inception was closely associated with the laissez-faire principles associated with the capitalist mode of production. These were reflected within civil law as 'freedom of trade, freedom of contract, freedom of ownership, of movement and of choice'. The criminal defendant was assumed to be a freely acting, universal, rational individual (Garland 1985 p 43). This view of the law as a formal, neutral system of rules and rights applying to a freely acting individual is one which reflects the ethic of justice.

I will discuss in Chapter Four the complex of factors that underpinned the demands of Christian-led reform groups for a change to the state's responsibility toward individuals who came before the courts. Garland (1985) points out the contradictory nature of the position taken by the Howard Association, the principal advocate for penal reform. They stayed within the line taken by their counterpart the Charity Organisation Society when it came to conventional principles of bourgeois morality, ie railing against the provision of indiscriminate charity and upholding the principles of less eligibility, individual responsibility, support for the family and minimal state intervention. However, whilst these principles could be applied to the poor in general, because they could be left largely to the care of charitable organisations, when it came to offenders, reform was clearly the responsibility of the state. The Howard Association's desire to work with offenders could only be facilitated by the state through access to the court and prison system, with the consequence that its demands concerning the reform of offenders amounted to a call for an increase in state responsibility. Within this understanding, responsibility could be viewed as a formal obligation, which would not be the more flexible understanding of responsibility which is part of the ethic of care. However, the Howard Association, in wanting the state to take responsibility for offenders, did so in order that they could provide welfare, underpinned by notions of Christian charity:

'the severity of penalty and the rigour of discipline should be everywhere qualified by...the fact that honour is due to all men, by reason of the intrinsic worth of each soul, gifted with a capacity for immortal life and endless moral development. The basest of men, the most degraded of women, for all of whom Christ has lived, died and risen, may through the power of his Spirit, be purified into saintly excellence' (Tallack 1889 p33 cited in Garland 1985).

This shift in the perception of state responsibility, underpinned by Christian ethics which clearly encompass an understanding of the value of the individual, is for me the



moment when care became part of early probation practice, and provides the basis for the development of casework as we move into what I have termed the ‘clinical mode’ of practice (Chapter Four).

The move to the clinical mode was facilitated by the development of positivist theories of criminal behaviour (see Chapter Four). This again involves a change to the notion of responsibility, this time, the responsibility of the individual defendant. The classical view of the freely acting individual now becomes tempered by what May calls a ‘soft determinism’ (1991, p7). Garland phrases it thus:

‘Responsibility thus became a presumption which was always put in doubt. . it replaces a philosophical principle (all men are free and responsible) with a positive psychology (each man must be investigated, his personality assessed)’ (Garland 1985, p 187, original emphasis). This provides the justification for the probation officer as the vehicle of assessment and provision of treatment for offenders within the framework of criminal justice. The 1907 Probation of Offenders Act formally instructs the Probation Officer to ‘advise, assist and befriend’ the offender and these principles were to continue unchallenged as the rationale for the Service’s work until the 1970’s. The injunction to advise assist and befriend was not formally lost until the Criminal Justice Act 1991. I will show in Chapter Four how the clinical mode of practice flourishes and is really in its heyday within the optimistic period of post-war welfare statism.

### **Elements of care within probation practice**

I would argue that the forms of probation practice that were able to develop and flourish in the ‘clinical mode’, especially toward the end of the period where they were influenced by client-centred and critical approaches, may be seen as a form of care within Sevenhuijsen’s definition – ‘a mode of acting in which participants perceive and interpret care needs and act upon these needs’ (Sevenhuijsen 1998). It can also be said to contain three of the four elements of Tronto’s model of the care ethic:

#### ***i. Caring about/attentiveness***

Probation officers are officially enabled to care about their clients by undertaking assessments which recognise their needs; this is facilitated by the rehabilitationist approach to criminal justice that is predominant at the time;

#### ***ii. Taking care of/responsibility***

Probation officers become one of the state’s agents in carrying out its duty to take care of offenders by the provision of welfare and treatment. The state cedes this work to



the Probation Service, and individual officers are allowed to work with a considerable degree of autonomy;

### *iii. Care giving/competence*

This is reflected by the development of professional training and qualification of probation officers (see Chapter Four.) This professional level of care giving is elevated above informal care provision which is unpaid or low paid and mainly provided by women within the family (Tronto 1993).

### *iv. Care receiving/responsiveness*

This concerns the way in which the response of the receiver of care is taken into account. This is a weakness in the development of probation practice, because research into the effectiveness of practice, and the views of service users was for a long time, given little attention. In Chapter Four I will show how this leaves practitioners open to some excoriating critiques from radical commentators taking up the perspectives of women, the disabled, black people and others. It also leaves them open to the accusation of being unable to provide evidence for their practice, and at a later political juncture, enabling other outcomes-based justifications for practice to be inserted into this knowledge gap (see Chapter Five).

### *v. Integrity of Care*

There was always within probation practice the tension between care and control which arose because of the arena in which probation work was taking place. However, the kinds of conflicts which are acknowledged as present in trying to achieve coherence in any system of care, are now amplified as the context for probation practice has fundamentally shifted its focus away from care and toward control and punishment.

## **How change affected caring probation practice**

Chapter Four traces the contours of change that undermined the clinical mode of probation practice, and then Chapter Five goes on to discuss the rise of the punitive managerial mode. There is a return to the values and discourse of the market place, with a link to the classical ‘free will’ model of individual responsibility within criminal justice. These changes are reflected in changes to policy discourse which affects and is affected by practice. The conditions are no longer conducive to probation as a practice underpinned by caring principles, and we see some changes:

### *i Caring about/attentiveness*

The state retrieves the power of caring about, ie policy making, for itself. It also narrows down its field of interest in terms of what and who it attends to, and as I show



in Chapter Four its focus moves away from the individual offender and toward crime as a normal social fact. Politically, it admits to caring about ‘the public’ and ‘victims’ but not offenders.

### *ii Taking care of*

The state now cedes far less of the responsibility to care to professionals like probation officers (Garland 2001). Instead it develops a role for public agencies which involves a much more regimented system of prescribed tasks which must be fulfilled in accordance with targets.

### *iii Care giving*

Within the criminal justice system, as I show in Chapter Five, these tasks are about the assessment and management of risky populations, and no longer about competence in the provision of care. The development of competence in social work practice which has taken place during the ‘clinical mode’ of practice is in these circumstances, no longer seen as relevant for probation officers. There then follows the complex of changes to values, knowledge and training for practice outlined in Chapter Five.

### *iv Care receiving*

Into the gap left by inattention to this element of responsiveness by probation practice within the clinical mode is inserted an approach to responsiveness that is called ‘responsivity’ and relates only to the degree to which offenders’ behaviour may be modified by certain treatment approaches. The kind of evidence that is seen as relevant to the development of practice within this formulation is outcomes-based data such as rates of recidivism, or compliance with court orders. The qualitative content of practice is of no interest. These practices represent a return to the ethic of justice in which a freely-acting race and gender neutral subject is dealt with within an abstract system of formal rules and regulations. The next section of this methodology chapter will set out the methodological preferences which flow from a feminist standpoint, and then the research strategy employed in data gathering and analysis.

## **Feminist methodological preferences**

‘Feminists have expressed methodological preferences, some of which are more obviously in sympathy with feminist aims, but as within different disciplines, there has been no widely acknowledged consensus on methodology’ (Gelsthorpe, 1992, p217).

Feminists take a number of different positions in relation to their work in relation to how they view agency, how knowledge is produced, and how they conceptualise a



community of women. Feminist research does not have to be solely about women; it does not employ one specific research technique and there is no one ontological or epistemological position that is distinctively feminist (Ramazanoglu and Holland 2002). However, there is some agreement among feminists that research may support to a greater or lesser extent, feminist principles. I have carried out this research in ways which I think broadly take account of feminist concerns (Purvis 1985). Another point of general consensus among feminists when they turned their attention to research methodology was that existing knowledge production methods were masculinist, and there was a need to challenge prevailing understandings of social life. Feminists took a critical view of the idea that prevailing views of social life purported to be universalist, whilst in fact they promoted or failed to protest against men's domination of science (Stanley and Wise 1993). They argued that the knowledge produced under such conditions was inadequate because it excluded women and other groups by failing to take account of their experiences. Such knowledge is also distorted because it has been produced from a masculinist perspective. Gergen (1988) sets out in specific terms the masculinist forms of knowledge production that feminist researchers should avoid if they are to generate knowledge that does not make the researcher the 'expert' and gives an enhanced voice to research participants from all sectors of society without discriminating against them.

Two of the ways I have tried to take account of feminist concerns in this research are; (a) I have taken account of the principles of feminist methodology drawn from Gergen (1988) and (b) I have used a method which combines two styles of interviewing developed by Franklin (1997) in an attempt to move away from the masculinist *information extraction* model of interviewing. I set out below five principles that derive from my reading of Gergen and the consequences for my research strategy that flow from these:

### ***i Role of the researcher***

Gergen outlines the feminist critique of the traditional, empiricist position of the social scientist in which the researcher is a neutral observer, independent of their research subject to ensure they have minimal impact upon the research environment (Alexander 1982). This was seen as the only way to ensure objectivity and clean, uncontaminated data. Feminist researchers explicitly reject this position which they regard as androcentric (see above) and instead take an approach to the research in which the researcher and her participants are interdependent. This necessarily involves



clarification of the researcher's political, social and ethical position, which I have addressed in Chapter Two. More detail on the ethical issues which emerged in the data-gathering process will be discussed below.

### ***ii Putting data in its context***

Another critique made by feminists of empiricist social science is the notion that data can be understood independently of its social context. As noted above, feminists have pointed out that the de-contextualisation of data leads to erroneous findings, and has particularly led in the case of women research subjects to their being ascribed 'natural' characteristics, which are in fact socio-cultural ones.

### ***iii Value-laden research***

Feminists have taken the empiricist tradition to task for the assumption that research can take place without any impact from the values of the researcher or commissioner of research (Harding 1991, Bleier 1984). Feminists acknowledge the fact that research is value-laden and that the values of the feminist as researcher must be made explicit.

### ***iv The independence of facts***

The fourth assumption of empiricist social science that feminists have objected to is the notion that there is a real world out there independent of the researcher, waiting to be discovered; therefore any objective researcher would inevitably be able to discover the same factual world. Feminists are critical of this position and regard the knowledge-production process as included in the research. It is important therefore to apply the same critically reflexive process to the researcher as to the researched (Harding 1991).

### ***v. Scientific research as superior***

The empiricist tradition held that scientific knowledge was superior to other knowledge claims because of its supposed objectivity and neutrality. Having demolished the earlier claims, feminists reject the superiority of science and the scientist and instead take a view which calls for the research participant as an equal partner in research, and as the expert in their own lives (Gergen 1988).

Sharing this position means that I have had to adopt a research strategy which ensures that I:

- i. Recognise and take account of my position of power as a researcher and as a former practitioner within the field of research. I do this in the section on ethics in which I discuss the complexities and contradictions of myself as, to some extent, an 'insider' in the research environment.



ii. Take full account of the socio-economic and cultural context of the research. This is outlined, and provides the context for the discussion of the critical history of probation practice in Chapters Four and Five.

iii. Acknowledge and take account of my own value position. This is dealt with in Chapter Two and in the ethics section of this chapter.

iv. Recognise the historically and culturally specific nature of the knowledge that is produced by this research. Discourse theory encompasses the view that discourses are culturally and historically specific. Therefore these aspects are integral to my overview of the critical history of probation practice in Chapters Four and Five.

v. Respect my participants as experts in their own lives and prioritise their voices in the reproduction and interpretation of the data. I have achieved this by using a style of interviewing which is non-hierarchical, which gives the interviewees sufficient opportunities to develop their own lines of thought and which opens up the possibility of narrative accounts. It enables a conversation to take place, and rather than seeing the interviewer's presence as possibly corrupting, her responsiveness is appropriate and desirable in the interview. The model is set out in some detail in the research strategy section of this chapter.

## **Research strategy**

The research strategy used has resulted in a somewhat unconventional structure for a PhD thesis. I am aware that it is unusual to begin with an auto-biographical chapter, but I have taken the standpoint that not only is my biography part of the theoretical orientation of the study, but is also data to be analysed. My work history is clearly bound up with the research environment, and my continuing career path has involved research in this area. Following the auto-biographical chapter, I do not go on to present a conventional literature review, but include instead in Chapters Four and Five a critical history of practice through which I seek to understand the social construction of probation practice by examining it through the lens of the ethic of care. The research strategy used is fundamentally recursive and iterative; I have employed a dynamic process in which I have moved between my data, the two theoretical strands, and the critical history literature.

Chapter Four, the first of the two critical history chapters outlines practice from probation's inception to the late 1980's. Chapter Five goes on to focus in some detail upon the changes to the policy discourse that have taken place since the 1991 Criminal Justice Act, and have had a huge impact upon the professional knowledge base, values



and training of probation officers. I suggest that these changes have led to the development of a mode of practice I have termed 'punitive managerialism'. Like my research participants, I was trained during the earlier 'clinical' mode of practice, and I detail in Chapter Two my own response to finding myself practicing within what I found to be an uncomfortable environment. I was particularly interested in exploring the experiences of a group of practitioners who, having trained in the clinical mode like myself, were at the time of interview in 2003, continuing to practice within a very different, and more punitive context. Chapter Six, 'Voices from practice' goes on to present the findings from interviews with my research participants. Chapter Seven provides a discussion drawing links between theory, the practice context and the voices of practitioners, culminating in a commentary upon the nature of practice. Chapter Eight puts forward the implications of the findings for contemporary criminal justice practice.

### **Interview model and sampling procedure**

I began by negotiating with the probation area concerned about gaining access to a number of experienced probation officers to interview in relation to the research. I used a combination of purposive sampling and snowball sampling. Initially I outlined my area of interest, and asked via a group email for a volunteer who had trained before 1991 to talk to me. Following this I asked each officer to suggest another experienced officer they could think of as the next interviewee, and the final sample consisted of seven white men, five white women, one black man, and two black women; fifteen participants altogether. Ten participants had between twenty-two and thirty-two years' experience, and five had between twelve and fourteen years' experience. Participants' voices are captured in a series of semi structured interviews, using a framework developed from Franklin's (1997) shared understanding and discourse models of interviewing, as follows:

- The interview is a conversation which may even include the interviewer sharing some aspects of her experience;
- It is semi-structured, rather than a fixed series of questions; issues may be followed up;
- It is a situation in which is clearly focused upon gaining the participant's understanding of his or her own life and circumstances;



- The interviewer's presence and impact upon the interview is explicitly recognised and acknowledged, but there is no negative assumption about contamination of data;
- The process of the interview is emphasised so that meaning is not seen merely as emerging, but may be developed in the interview;
- The interviewer comes to the interview as open minded as possible;
- Prompts and paraphrasing may be used for clarification but care should be taken not to affect the interviewee's original meaning;
- The emergence of new themes is encouraged and these may be developed in subsequent interviews;
- The interviewer acknowledges the power relationship between herself and participants, and is careful to attend to ethical issues such as confidentiality and feedback;
- The aim is to obtain rich, descriptive data that clearly reflects interviewees' experiences of the Probation Service and how it has changed since they started their careers.

## **Ethical issues**

Having expertise and experience within the research environment is a factor which aids the creditability of the research, but it also raises ethical issues. There is a degree of trust established between former colleagues that would not be present in research environments where the researcher and participants do not know each other. Participants may also ascribe more credibility to a researcher they regard as a fellow professional. These factors may have imbued me with greater power perhaps to gain the confidence of participants and to elicit open and honest accounts of their experiences. The bottom-up approach used here enabled me to address this potential power imbalance between myself and my participants by enabling them to be the experts in their own professional experiences, and by allowing them to take the conversation in a direction of their choosing. I explained the process of the interview in advance in writing, asking for permission to record the interview, and subsequently provided each interviewee with a transcript of the interview. I also promised that the tapes of the interviews would be destroyed once the final document had been written. It was made clear at the time of the interviews that the data collected was for my personal academic research, but that this may at some stage result in publications in professional and academic journals. I further offered each interviewee copies of any publication



generated from the research. Each interviewee has already been provided with an interview transcript, and one participant has had a copy of a book chapter which quoted him anonymously from the yet unpublished interviews that are the basis of this study. Five participants who requested a copy of the discussion chapter have been provided with it, though no-one has offered any formal comments.

Confidentiality of the participants is provided by ensuring that neither they nor the probation area in which they worked at the time of the research is identified in the interview transcripts, nor will identification be given in any written accounts of the research. I am committed to continuing to employ these principles in any future use that is made of this data for publication purposes and will keep participants informed of any further use that is made of the data.

**Data analysis**

The process of analysis began by reviewing the interviews both from the tapes and written transcripts, keeping in mind the historical context and the theoretical concepts set out in earlier chapters. *Nvivo* software was used in a very simple way, to conduct keyword searches based upon terms that initially began to emerge repeatedly in the transcripts. Examples of these are *risk, assessment, needs, client, court, targets, monitoring, feedback, value, quality, rules, professionalism, prescription, control*. Each time a keyword search was conducted, the programme was asked to identify 50 words around the keyword. From this there developed a number of what *Nvivo* calls ‘nodes’, which equate with open codes. Lacking expertise in the more sophisticated use of *Nvivo* it was decided to employ *Word* for the constant comparative stage, going through the transcripts on screen in order to develop substantive codes. These groups of data were then analysed using discourse and the ethic of care, and in the context of the policy changes outlined in the critical history chapters. Figure one below shows the substantive categories that were developed using this recursive and iterative process.

**Figure 1**

<b>Discourses of:</b>	<b>Elements of Ethic of Care</b>
<b>Criminal justice practice</b>	<b>Attentiveness (<i>caring about</i>)</b>
<b>Managerialism and control</b>	<b>Responsibility (<i>taking care of</i>)</b>
<b>Professionalism</b>	<b>Competence (<i>care giving</i>)</b>
<b>Discourse as power:</b>	<b>Responsiveness (<i>care receiving</i>)</b>
<b>Discipline</b>	<b>Integrity of Care</b>
<b>Resistance</b>	



The categories in the *discourses* column include both discourses that are used by the participants, in providing their personal representations of the work they do and the context within which they do it. I have identified the discourses used as *criminal justice practice*, *professionalism*, and *managerialisation and control*, and show how participants construct their accounts of practice through these discourses, demonstrating their ease of use and confidence in the language, and their ability to construct a practice critique using discourses of managerialism and control, and professionalism. The ‘discourse as power’ section of the table highlights the way that power operates through discourse. Participants construct their accounts of practice both within and against the prevailing discourse, and the section headed ‘Discourse as Power’ identifies how participants both absorb (or as Foucault says interiorise) the discipline of the prevailing discourse, and at the same time resist its power in the way they construct their accounts of practice and the context in which practice now takes place.

The categories in the *ethic of care* column might also be broadly categorized as parts of what is essentially a social work *discourse*. I have suggested in earlier chapters that the ethic of care which may be identified in the *clinical mode* of probation practice has been substantially overshadowed by the ethic of justice in the current *punitive managerialist mode* of practice. Analysing participants’ responses from the theoretical perspective of the ethic of care produces some revealing insights about the nature of experience of these practitioners as they try to make sense of their work within a changing context.

### **Auto-biographical element**

Conducting the data analysis involved a process of reflection about my dual role as former probation officer and researcher, I had to consider the question of ‘does it take one to know one?’ My answer, on reflection, is no, but it does help. The key point is what is meant by knowing, because if we assume that the only person we can truly know is ourselves, then we would answer ‘yes’ to the question, but as Fay (1996) points out, there are all kinds of reasons why being one is not a sufficient condition for knowing one. To begin with ‘to know’ might mean ‘be able to identify’ or ‘be able to describe and explain’ or ‘to have the same experiences as’. If the definition were limited to a common sense understanding of having the same experiences then perhaps the only person we would truly know might be ourselves. But as Fay points out, there are some aspects of experience which others may share to the extent that they would truly understand us. More critically, actually having that experience may not always be a



sufficient condition for knowing ourselves, because we do not always fully interpret and understand the feelings we may have at any particular time. It will take reflection and interpretation to uncover the true position of self knowledge which we can arrive at. The definition of knowing that becomes appropriate in these circumstances is ‘knowing implies being able to identify, describe and explain’ (Fay 1996, p20).

The auto-biographical element in my research involves a relationship between myself and the participants in which through our conversation, they identify, describe and explain their experiences of professional practice during the process of the research interviews. This is because I support them to engage in a process of reflection upon experiences at a distance, so knowledge about the experiences may be generated which may not have been possible at the time that they were immersed in those experiences. My insider role means that I am able to reflect upon their experiences and consider what light these might shed upon my own professional practice. Also, having the experiences valued and listened to by another person enables participants to unpack the complexities of their motives, desires and emotions and clarify these. This is a process which probation officers are very used to going through with clients where they are providing that listening service, and which we know from research clients value (Howe 1993, 1996, Barry 2000, 2006). Finally, analysing the data from the interviews afterwards provides me with an opportunity to detect patterns, influences and effects of participants’ experiences which may not have been obvious to them at the time they were immersed in them, or even at the time they were recounting the experiences to me.

Although I do not have to ‘be one to know one’ my shared biography with the participants gives me the advantage of being as Merton suggests, ‘the ultimate participant in a dual participant-observer role, having privileged access – in some cases monolithic access – to their own inner experience’ (Merton 1988, p19). From this position I feel I am able to engage in a deeper process of reflection on my own practice experience and practice more widely than I was able to at the time I was immersed in the experience.

### **Transferability of the research**

I feel it is necessary to address the issue of whether the findings from this small study might be valuable in contributing to an understanding of the wider population of probation officers who have experienced the same period of change and transition. Lincoln and Guba suggest that providing ‘thick description’ which *incorporates the widest possible range of information*’ so that any reader is able to understand the



findings fully is sufficient on the part of the researcher to enable readers to apply the findings to similar situations:

‘it is not the task to provide an index of transferability; it is his or her responsibility to provide the data base [of the research] that makes transferability judgements possible on the part of potential appliers’ Lincoln and Guba 1985, p316).

Through a process of peer debriefing I have attempted to test out the creditability and transferability of the research. Its progress has regularly been discussed with peers, not only by allowing supervisors to read transcripts and written accounts of the research as it developed but also by opening up the research to colleagues and inviting feedback. It has been presented at the recent Centenary of Probation Conference (<http://www.centuryofprobation.com/index.html>) and within my own department at a staff seminar. In addition, chapters have been sent to a number of the participants and read by several other academics involved in the field of criminal justice practice.

### **Chapter summary**

This chapter has set out the methodology of the study, outlining the theoretical framework which provided the tools of analysis. The chapter began by setting out Foucault’s understanding of discourse and shows how it is used in the understanding the critical history of practice. There followed an outline the ethic of care and examples from subsequent chapters are prefaced to show that the ethic of care can be traced within the ‘clinical mode’ of practice. The second part of the chapter set out the discursive and iterative research strategy and the methodological preferences which flow from a feminist approach to research were outlined. Data gathering and analysis were discussed, as was the justification for the use of the author’s biography as part of the data to be analysed. Throughout the chapter, ethical issues were considered, including the author’s role as insider and trustworthiness of the research. The next chapter looks at the first part of the history of the Probation Service.



# **Chapter Four**

## **Critical History Part One**

### **Probation Practice: Origins of the Demise of Treatment**

#### **Introduction**

This chapter is the first of two chapters that contextualise the thesis by giving an account of the history of probation practice. It provides a critical review of the development of practice within its socio-political context, starting with the changes in penalty which provided the conditions for probation's inception as one strand of early social work. It reviews critically the development of practice beginning with the 'moral mode' established in the Victorian era, moving on to the development of what might be seen as the heyday of rehabilitation, 'the clinical mode' and finishing at the end of the 1980s with the advent of the Green Paper: 'Punishment, Custody and the Community' (Home Office 1988) which preceded the 1991 Criminal Justice Act and heralded the beginning of a very different 'mode' of probation practice.

There are a number of accounts of the history of probation practice most of which adopt a 'progress' view of history, seeing the development of the Service as a wholly humanitarian response to the extremes of the criminal justice system (Bochel 1976, Haxby 1978, Jarvis 1972). Beyond this, attempting to place the history of probation in its broader social context is the quartet of articles by McWilliams in the Howard Journal (1983, 1985, 1986, 1987). More recently, Maurice Vanstone has attempted to provide 'a history from the underside of the Probation Service', which he says draws upon some earlier accounts but challenges others (Vanstone 2004, *pvi*).

In his very brief account of probation history, George Mair remarks that 'the history of community penalties is the history of the Probation Service' (1997 p1198). He then goes on to qualify the remark by suggesting that what is needed is 'a revisionist history' of community penalties which takes full account of the socio-economic context in which they appeared. Here it will be argued that the history of the Probation Service is more than the history of community penalties, it is also a significant part of the history of social work practice. Therefore, whilst the significance of the socio-economic context is not disputed and will form a key part of the discussion, a focus of equal importance will be the discourse of practice, which is often absent from accounts of the development of the criminal justice system as a whole. It has been argued in Chapter Three that gender is an analytical category that is omitted from many influential accounts of criminal justice policy. The history of probation practice provided here will address this by providing a feminist critique of some of the earlier histories of criminal



justice policy that are relevant to the history of probation practice. The more recent period, which is the chief focus of the chapter, is outlined using a feminist social constructionist analysis, encompassing the voices of practitioners within a gendered socio-economic context.

### **The context: changes in European penalty**

Foucault (1977b) demonstrated in 'Discipline and Punish' how state control of punishment moved away from the bodily torture and public execution which had represented a reassertion of the sovereign's power in pre-industrial Europe, to a focus upon the 'soul'. The body is now 'an instrument or intermediary' for a penalty which takes the form of a deprivation of a right. The prison, now the main instrument of punishment, is both panoptican (the all-seeing eye) and penitentiary (the place of reform) and is part of a carceral network of institutions including the family, the school, the factory and the hospital, in which a disciplined population of 'docile bodies' is produced and reproduces itself. Pain is no longer inflicted directly on the body as in the spectacle of torture of the earlier period. Instead, the punishment-body relation is indirect, must accord to strict rules and has a much higher aim. The executioner is replaced by 'a whole army of technicians... warders, doctors, chaplains, psychiatrists, psychologists, educationalists' (p11). The employment of such experts changes the function of the criminal justice system from one whose chief aim was the making of a judgment and implementation of a punishment, to one in which the power to judge is shared by the judiciary with these other experts. The court's sentencing power then becomes fragmented and begins to relate not merely to punishment but to such questions as whether the convicted person is a danger to society, whether they are susceptible to punishment, and whether they are capable of rehabilitation. These mechanisms of observation and analysis provide the basis for the growth of the human sciences, including criminology, psychology and sociology, whose experts develop 'a corpus of knowledge, techniques [and] scientific discourses [which] becomes entangled with the practice of the power to punish' (p23). Foucault traces the genealogy of these developments throughout the classical period (mid 16<sup>th</sup> century to late 19<sup>th</sup> century) and regards the carceral system to have been established by the end of this period, signalling for him the birth of the modern penal system. Other commentators view this as taking place later, relating it to the development of rehabilitation after the Second World War (Bean 1976, Ryan 1983). Garland (1985) locates the beginning of the present system, which he terms a 'penal-welfare complex' within a very specific time slot 'between the



Gladstone Committee Report of 1895 and the start of the First World War in 1914 (p5). Most of these commentators agree however, that by the Victorian period, the prison was the major form of punishment whose existence was taken for granted.

Neither the histories of probation practice nor the wider analyses of penality address the issue of gender so that their conception of the social is narrow, with no attention paid to the experiences of women (Howe 1994). Indeed, 'without exception they appear to have been oblivious to the fact that gender is a useful category of social analysis' (Scott 1988a, p22). Gender, if mentioned at all was used as a synonym for women, with no recognition of the idea that 'gender' is used 'to designate social relations between the sexes and that 'man and 'woman' are socially relational categories (Scott 1988b, p32). Howe suggests that their analyses of the mechanisms of carceral power could have been greatly enhanced by the understanding that gender is not simply a social relation but a relation of domination.

### **Early practice – the 'moral mode'**

Probation practice has its origins in Foucault's 'army of technicians' who became involved in contemporaneous debates about prison reform, and in the discourse about what should happen to those individuals who came before the courts, but were deemed responsive to measures other than imprisonment. Whilst the prison may have been taken for granted as the major method of punishment, it was not without its critics. A massive rise in unemployment and overcrowded prisons were just two factors leading to vociferous campaigns for poor law and penal reform. The Poor Law of 1834 encompassed the morality of Victorian public policy toward the poor (Parry et al. 1979). There was concern that the migrant work force, drawn to newly industrialised areas to find work, would engage in vagrancy and dangerous behaviour if not kept under control. Demands for penal reform were challenged by calls for harsher and more austere forms of punishment. Together with 'undeserving' poor the system had to deal with the added burden of the 'deserving' poor - the young, the sick, the aged and infirm, those for whom factory work was not a possibility. The development of early court missionary and social work was founded not chiefly upon humanitarian concern for the conditions of the poor alone as some orthodox histories would have it, but upon a complex of competing forces, driven by this context of individual misery and social instability. The moral underpinnings of their mission, influenced by Christian teachings, were directly connected to the social evils of the day (Gregory and Holloway 2005). Thus the Howard Association and Church of England Temperance Society worked



alongside other Christian organizations, such as the Charity Organisation Society, and the Reformatory and Refuge Union, to reform individuals who had 'fallen' into poverty, immorality, drunkenness, crime and the like. The State intervened under the auspices of the Poor Law Guardians. Church Court Missionaries were first appointed to police courts in 1876 (McWilliams 1983). This was followed in 1879 by the Summary Jurisdiction Act which provided for conditional discharge for the young or petty offenders, as long as they agreed to be of good behaviour and promised to appear before the court for sentence if required. Then in 1887, moving the practice of work with individual offenders on further, the Probation of First Offenders Act was passed (May 1991).

Although the theories underpinning it change, the case-work method established in this period survived relatively unchanged in probation (and social work generally) for a remarkable length of time (McWilliams 1986). At this point casework was founded confidently upon Judaeo-Christian morality. This meant for instance that whilst the charitable sector departed from the State's view that relief should only be provided to those who were willing to submit to institutionalisation within the workhouses, all of the organisations nevertheless shared with the State a belief in the principle of 'less eligibility' (ie that people's lives when in receipt of relief should never be made too comfortable lest their incentive to return to self sufficiency is reduced). The emphasis on a return to the discipline of the labour market is clear.

What is not discussed in any of the existing accounts of early probation practice is that discipline is divided upon gender lines, and that for women it is far more pervasive and all encompassing, applying to their law-abiding as well as criminal conduct, with the example of the middle class feminine ideal woman set up as a standard by which the poor as well as the better off woman was judged (Zedner 1991). The control of women's sexuality is the basis of the standard with middle and working class women expected to demonstrate respectability and dependence upon their man within marriage, as a result of which a woman underwent civil death and all her property and entitlements became her husband's. An illegitimate child was a sufficient transgression for a woman to find herself incarcerated in a workhouse or mental asylum (Zedner 1991). It is not very surprising considering the pressure upon women to conform to an ideal of behaviour that assumed their moral superiority to men, that women committed fewer criminal offences than their male counterparts. The concomitant of this, however, is that those who did commit crime were judged not only on the basis of the crime they had committed but by their deviance from the ideal of femininity.



The intervention of early probation and social work practitioners was understood within this discourse of gendered morality. Women were far more likely to be considered to be feeble minded and in 1871 made up half of the population designated pauper-lunatics' (Zedner 1991). Provision of moral guidance and a commitment to the principle of less eligibility underpin a form of practice aimed at returning working class men to the discipline of the work force and women to the morality of idealised femininity. The language used to describe recipients of intervention is harsh for those not seen as deserving: 'vagrants, petty offence recidivists, habituals and hooligans.' (Ruggles-Brise 1900 p29 quoted in Garland 1985) and more sympathetic for those who are: 'the feeble minded, inebriates, the unfit' (Bradley, 1893/4, p283 quoted in Garland, 1985).

A commitment to the development of a relationship between the helper and the helped was apparent, although its focus at the time was provision of appropriate moral guidance. For example the Probation of Offenders Act 1907 stipulated that the Probation Officer's work should include:

'Carrying out regular visits... to those put on probation, with enquiries about their behaviour, mode of life, and employment... In the case of children there should also be visits to the school and enquiries of the Head Teacher as to the child's attendance and progress. Adults were to be helped to find suitable employment and young men put in touch with clubs and other healthy recreation... The officer should not give money or help in kind except in very exceptional circumstances' (cited in Radzinowicz and Hood 1986, p644).

### **Growth and consolidation – the 'clinical mode'**

The period from the passing of the Probation of Offenders Act 1907 until the beginning of the 1970's saw probation practice grow, expand, and develop a professional identity. The 1907 Act contained the phrase 'advise, assist and befriend' which was to underpin practice until National Standards in the 1990s deliberately left out that injunction. The phrase 'advise, assist and befriend' prioritises the relationship between of the officer and the probationer and incorporates an assumption of care toward the individual, which was an underpinning social work value throughout the clinical mode. A key development in practice was the formation of the National Association of Probation Officers in 1912. It had three aims:

- The advancement of probation work



- The promotion of a bond union amongst probation officers by the provision of opportunities of social intercourse and provision of advice
- To enable probation officers to make suggestions for advancements in their work and about reformation of offenders (May 1991).

NAPO's formation is emblematic of the shift of early practice away from their original religiously underpinned moral framework and toward what McWilliams calls 'the diagnostic ideal'. The view of the offender had moved away from one in which he/she is a sinner whose soul requires saving. In this earlier notion, the work of the practitioner 'the court missionary' was a plea of mercy to the court. As the work changed from special pleading to diagnosis, the officer's job was to provide a diagnosis to the court in the form of a report so that appropriate treatment could be provided for the offender. McWilliams correctly identifies that in adopting this approach the former missionaries had come to adopt a positivist view of individuals, influenced by criminological theory in which offending was seen as 'a manifestation of psychological or psychosocial disease and, as such, susceptible to expert diagnosis and treatment' (1986 p26).

Positivist or determinist ideas, which had emerged during the Victorian period, began to influence probation practice during the first part of the 20<sup>th</sup> century. The principle until that time had been the classical notion of free will and individual responsibility, based upon Bentham's utilitarian calculation, and clearly linked to the laissez-faire principles of capitalist enterprise which prevailed (Garland 1985). Now, the work of the eugenicists, notably Lombroso (1876) suggested that the criminal was born, not made. Criminals were born with atavistic characteristics, that is they were specific physical types with a predisposition to commit crime. In one of the few early attempts by criminologists to study female criminality, Lombroso and Ferrero (1895) did not find large numbers of women criminals with the atavistic traits they had hypothesised. From this they concluded that women criminals were more masculine in their physical form, and so had difficulty finding partners with whom to reproduce themselves. The alternative positivist position was that of the environmentalists, influenced by the French social statisticians Quetelet (1835) and Guerry (1833). They viewed crime as the product of social causes. Their approach however was not to investigate the social causes of crime, but to investigate the individual as affected by social factors. As May notes, this did not dispense with the underlying principle of free will and responsibility. Rather it produced a compromise in which individual responsibility could occasionally



be put in doubt and in its place 'a soft determinism' (1991 p7). In this positivist view the individual is someone who normally exercises free will but this is seen as affected by their social or biological determinants. The job of the probation officer (or other members of the 'army of technicians') is to provide diagnosis and treatment of each individual. McWilliams (1986) recounts how probation officers began using diagnostic methods at the outset whilst still holding on to their missionary ideals, and regarding the diagnostic method as a theory-free technique. His account shows them as becoming infected by the medical model of diagnosis which was prescriptive of treatment. He then traces the impact of psychiatric social work from North America upon diagnostic casework methods in English probation practice.

The development and expansion of probation practice continued steadily from the time of the 1907 Act. A voice was given to probation practitioners in 1913, with the launch of Probation Journal providing practitioners with a forum through which to discuss their views and concerns about their practice. Probation work had provided women with an outlet for work from the outset, and the contribution of one woman practitioner indicates that she felt that women offenders were the primary focus of the work of women officers. She also took the view that women were more difficult to supervise than men because they needed more attention and because they were more difficult to place in domestic service (Cary 1913). In 1925 the Criminal Justice Act made it compulsory for every criminal court to have a probation officer attached to it. Numbers of those placed upon probation expanded (from 15,094 in 1925 to 18,934 in 1933). The demand for expert assessment skills meant that probation officers began to demand professional training. In this they were following the trend in social work more widely, which was striving for professional recognition at the time. The broader policy context was that critics from all sides were pointing out that laissez-faire capitalism was producing social misery and there was recognition that an advanced capitalist economy required management. This resulted in the expansion of state powers in the 1930's in response to the depression (Garland 1985). The advent of universal suffrage also led to demands for equal opportunities. These and other factors meant that the welfare state continued to grow throughout the first half of the 20<sup>th</sup> century. The Probation Service at that time was very much a hybrid organisation sitting between criminal justice and welfare. Its role was extended by the provisions of the Children and Young Person's Act 1933 which provided for supervision of young offenders and home circumstances enquiries to be provided by both social workers and probation officers.



The Departmental Committee on the Social Services in Courts of Summary Jurisdiction reported in 1936 and among other things responded to the demands of practitioners by proposing that probation officers should be professionally trained. Its recommendations were not enacted until after the war in the Criminal Justice Act 1948. This was an important act, because it repealed all previous legislation relating to probation and restructured the administration of the Service completely. It restated the powers of the courts in relation to probation, and outlined the duties of probation officers which now included after care of prisoners (May 1991). By now the psychotherapeutic casework method was well established. The probation officer's diagnostic role was accepted, and training from a psychotherapeutic perspective began to be provided under the auspices of the Home Office. It varied according to the age and experience of the officer. Those under thirty were expected to hold at least a Social Science diploma and then go on to a period of in house specialist training. Those over 30 undertook the in house training only. The Tavistock Clinic with its emphasis upon psychotherapeutic methods was one of the organisations involved in probation training. The Service also began to take some graduates from four-year applied social studies courses run at LSE, Birmingham and Southampton Universities. This influenced the direction of training, and by 1971, probation officers were required to hold a social work qualification validated by the Central Council for Education and Training in Social Work, and this four year degree was one of the routes to gaining such an award. There were also two year undergraduate diploma and postgraduate options (Vanstone 2004).

By the time of the relatively prosperous, secure society in the two decades following the Second World War, the 'clinical mode' of probation practice is really in its heyday. This was the period of welfare statism, where people felt secure in the provision of a safety net of welfare (Gregory and Holloway 2005). The state's interventionist role was accepted, and with it a commitment to full citizenship for most people. It was a period of consensus politics within a framework of relatively well paid work, the mixed economy, the family and a legal system which was perceived to be free and fair (Young 1999). At a time like this, the population enjoys what Giddens (1991) has called ontological security, that is, they can simply *be* without a high level of insecurity about crime, or the future, or day to day risks to themselves or their family. During such a period of relative security, the individual with the problem, be they for example mentally ill, a member of a 'problem family' or an offender, is someone who, being the exception to the rule, simply reinforces other people's ontological security.



The positivist discourse, in which deviant behaviour is seen as *determined* by social or psychological factors, is well established. Talk is of 'is,' 'does' and 'causes' (Bruner 1986, quoted in Parton and O'Byrne 2000, p47). The state's role is interventionist and assimilative. The probation officer's role is therefore a clinical one, to diagnose and to treat, to enable the client (and the offenders with whom probation officers worked were referred to as 'clients' at this time) to be returned to society's fold. The underpinning values of practice at this time are care and respect for individual persons and hope for their future potential (Biestek 1961). These values have their basis in individualistic Kantian ethics, which are later challenged by critical approaches to practice (see Chapter Five).

Post war welfare-statism enabled probation practice to develop rapidly; it was a period of expansion of tasks, growth in the size of the organisation, and consolidation of professional confidence in casework methodology (May 1991, Vanstone 2004). Casework was strongly endorsed by the Morison Committee which was briefed in May 1959 to enquire into the Probation Service:

'Today the probation officer must be seen, essentially as a professional caseworker, employing, in a specialised field, skills which he holds in common with other social workers, skills which, if it opens up to him hopes of constructive work which were not enjoyed by his predecessors of twenty years ago, also make complex and subtle demands upon him, reflecting, as it does, growing awareness of the difficulty of his task' (Home Office 1962, para 54).

The Service had already assumed responsibility for provision of welfare reports in the civil courts by the Matrimonial Proceedings (Children) Act 1985. Following Morison, further new tasks included the Service assuming full responsibility for prisoners on parole from the Discharged Prisoners' Aid Society in January 1966. Work with those subject to prison sentences was further increased by the Criminal Justice Act 1972 which provided power for higher courts to order supervision of an individual who was the subject of a suspended sentence. The same act introduced the new sentence of Community Service, requiring offenders to undertake unpaid work in the community under the supervision of the Probation Service for a period of up to 240 hours. The 1972 Act also enabled Probation Committees to set up and fund bail and probation hostels and day training centres. Soon after this, the Powers of Criminal Courts Act 1973, required courts to request a social enquiry report before imposing a sentence of imprisonment for offenders under the age of 21.



Analysis of the discourse of practice provides insight into its philosophical basis underpinned by the socio-economic and political context (Gregory and Holloway 2005). It is clear that the influence of an earlier paradigm can easily overlap into the next. For example, in the early 1950's, in which we find some of the earliest published theorising about social work methods in the British and American literature, vestiges of the earlier, moral mode can be found in the terminology used to describe the subjects of intervention, as in '*poor*', '*needy*', '*imbecile*', '*problem family*', '*crippled family*' (Morris 1950, p170). Vanstone, in examining contributions to Probation Journal, notes the continuing influence of religious ideas even in this period which he refers to as 'the heyday of treatment' (2004). He also points out some contributions which blame women for the rise in juvenile delinquency; one which argues that it is the dominance of women in the home whilst men are away at war that increased juvenile delinquency in the period toward the end of the war, and another arguing that women teachers are to blame. It is casework thinking that predominates in the period, however. The development of the clinical mode, the psychodynamic influence and the growing confidence of the new profession, becomes evident in its characterisation of the subject and the eager deployment of psycho-social terminology adopted in texts of the period: '*The person*', '*the client*', [*a human being who is*] '*unique as his thumb-print*' [*and from the moment of birth has*] '*drives to gratify his felt needs.*' (Perlman, 1957 pp6-7). Where this potential is seen as not being fulfilled, or the person presents as someone responding negatively to external stressors, the problem is characterised as one which may be tackled within the person: '*The person who comes as a client to a social agency is always under stress*' (Perlman 1957, p25). The Probation Handbook for 1958 devotes a quarter of its content to social casework (Bochel 1976). Geoffrey Parkinson, known within the field as a critical practitioner nevertheless puts forward a modified form of casework as the basis of opposition to what he sees as a more passive casework approach (Parkinson 1965, 1966).

The rise in recorded crime which began in the 1950's and continued until the 1990's, coupled with continuing growth in the prison population, promoted the development of alternatives to custody, and by the mid 1970s the Probation Service had expanded considerably. From 3,553 probation officers in 1960, there were 5,186 in 1978 (May 1991)<sup>1</sup>. The Service was relatively autonomous in its functioning with 80% of its funding coming from the Home Office and 20% from Local Authorities. Its

---

<sup>1</sup>By comparison the numbers were 6,982 in 2003, going down to 5,610 in 2005, with a further 336 officers now designated 'senior practitioners' (Home Office 2005).



relationship to the courts was a close one with Probation Committees counting magistrates among their members. May (1991), suggests that part of the reason the Service enjoyed such autonomy was because the executive was reluctant to interfere with decision making of the judiciary, and the Service's close relationship with the judiciary therefore afforded it some protection from interference. The Service had a wide span of responsibility including work in the community, both supervising offenders on probation and on community service orders, work in prisons and supervising offenders released on parole. Alongside criminal work there was work in the family courts. Probation officers usually carried a caseload which comprised the full range of work, undertaking both criminal and civil work, although by the 1980s the family court work was usually undertaken by officers from specialist family court teams. The casework methods of officers were officially sanctioned and there was a considerable degree of autonomy in their practice. The relationship between the officer and the offender was regarded as important, and was the basis of any form of intervention that might be offered. Offenders could expect the same officer to supervise them during their probation order, prepare a report if they offended again, and continue to supervise them during any resulting prison sentence. It was a period of strength and confidence but as May (1991) points out, there were very few studies to demonstrate the effectiveness of practice up to this point. Effectiveness was assumed, with what may be seen in hindsight as a misplaced complacency.

The strength of the position of probation practitioners and their fellow professionals from social work, psychology, education and a range of other practice environments was supported by criminological knowledge that adopted a broadly positivist - or what Garland calls 'correctionalist' - theoretical framework (2001 p31).

Positivism incorporates quite a wide range of theoretical perspectives; as Young (1994) suggests, everything from Quetelet in the mid nineteenth century, to the Chicago school, to modern subcultural theory. What all these shades of positivism have in common, be they biological or sociological in their orientation, is their belief that delinquency is determined by causes beyond the individual's control. The remedy lies in some form of intervention, either individual treatment, or some form of social provision.

Whilst welfarist optimism may have been the dominant ideology and the orthodoxy of the Labour Party which was in power from 1945-61 and again from 1964-70, there were dissenting voices. During the 1960's the 'Butskellism' – the label given to the cross party consensus that underpinned the setting up of the welfare state – had begun to evaporate. From the right, the Conservative Party began to publish documents



about offenders that returned to an individual responsibility thesis and blamed the welfare state for exacerbating the desires that underpinned the tendency to offend (Cooper and Nicholas 1963). This position was supported by an inescapable fact: although social conditions had improved in the two decades following the war, crime continued to rise (Young 1994). From the left, poverty was rediscovered and the weaknesses of the welfare state revealed (Abel-Smith and Townsend 1965). The second wave of the feminist movement began to expose women's oppression both within the private and the public sphere, and some of these feminists began to turn their attention to the position of women within the criminal justice system (Giallombardo 1966, Heidensohn 1968).

### **The conditions of change**

The confidence of probation as a profession was to crumble because even as it matured, the conditions of its development were in decline. The underpinnings of post war welfarism were diminished substantially by the late 1970s. Socio-economic changes in the following decades which contributed to the loss of faith in the rehabilitative ideal underpinning the welfare state are well documented. Hobsbawm (1994 p403) remarks that, 'The history of the 20 years after 1973 is that of a world which lost its bearings and slid into instability and crisis'. The damage to the post war optimism and the belief that the welfare state will provide a safety net against poverty, ill health and other social ills is irretrievable. Young (1999) sees these two decades as the development of what he terms, 'the exclusive society'. Against a background of economic recession, encompassing a massive rise in structural unemployment, a move from Fordist to post-Fordist modes of production, the development of primary and secondary labour markets, downsizing and rising recorded crime (Hutton 1995), social features develop which have a significant impact on social policy approaches to the poor, who become deviant, an 'underclass.' The concomitant loss of stable life-long career expectations with accompanying anxiety and insecurity amongst the better off, contribute to a lack of tolerance of deviance. At the same time the gap between income groups widens, leading to a more acute experience of relative deprivation, at the same time as voracious consumerism is encouraged in all sectors of society, contributing to a rise in consumer crime amongst the poorest. This takes place alongside a steady rise in individualism and the disaggregation of community and family ties (Gregory and Holloway 2005).



The Conservative Party on its election in 1979 was to capitalize on these conditions by encouraging a very different kind of consensus from that which existed in the immediate post war period. This was a consensus based upon populist notions of freedom, choice, self reliance and enterprise, morality, responsibility, nationhood and crime and punishment (Brown and Sparks 1989). The cross-party consensus that had formerly existed about criminal justice policies was abandoned during the election campaign of 1979. It is significant that the link between law and public order was emphasized following the so called 'winter of discontent' which had preceded the election campaign and Mrs Thatcher swept to victory on a platform which promised 'a return to the rule of law' (Downes and Morgan 1994). The psychological or social determinants of deviancy which had hitherto supported the broadly rehabilitative thrust of criminal justice policy were now abandoned in favour of a return to justice approach in which the offender was once again seen as a freely-acting individual, whose punishment should fit the crime. The earliest legislative evidence of this change of policy direction can be seen in the 1982 Criminal Justice Act, which though focusing mainly on young offenders, also removed 'After-care' from the name of the Probation Service. The Act dispensed with the social welfare approach to young offenders embodied within the Children and Young Persons Act 1969. Significantly, the 1982 Act also removed decision-making powers from social workers and probation officers and reserved them to the judiciary (Gelsthorpe and Morris 1994). The beginning of a managerialist approach to the administration of the Probation Service was to follow in 1984, and this will be discussed further below. However, substantial changes to probation practice were not outlined by the Government until the Green Paper 'Punishment, Custody and the Community' Home Office (1988). The rehabilitative basis of criminal justice in general and probation practice in particular was to come under attack from both the left and right of criminology.

Changes in criminological thinking were triggered first in the mid 1960's by what Young (1994) has called 'the etiological crisis in world criminology' (p74). This occurred when it became clear that the onward march of progress had not resolved the problems associated with the poverty and deprivation of earlier periods. How could crime continue to rise when social conditions were so much better? The etiological crisis was followed in the mid-1970's by a more serious crisis in penalty as both crime and unemployment continued to rise. The massive costs of both policing and imprisonment, coupled with loss of faith in the efficacy of the full range of provisions of criminal justice organizations, both in the USA and the UK led to the crisis in



penalty. It seemed that neither better social conditions, nor better punishments worked in solving the problem of crime (Young 1994). From the mid- 1970's onwards, against a political backdrop of populist right-wing law and order rhetoric, criminologists from left and right agreed that rehabilitation had failed. The right returned to a neo-classical position of criminality as voluntaristic, inspired by the greed and wickedness of individuals. The welfare state was criticized for supporting such individuals and discouraging them from finding work Murray (1984), whilst correctionalist penal policy was seen as insufficiently punitive to deter individuals from committing crime (Von Hirsch 1976) or simply ineffective (Wilson and Kelling 1982). From the left, critical criminologists, such as Taylor, Walton and Young (1973), returned to the Marxist critique of positivism and treatment approaches first mounted by Bonger (1936). The later left realist position followed in the footsteps of labelling theorists of the 1960's (Sykes and Matza 1957, Becker 1963). Left realists retained the critique of correctionalism, but disagreed both with the right and with their own former position which they now termed 'idealist'. Their new position sought to recognise, through the use of crime survey data, that crime was a real problem for working class people whose genuine fear and experiences of crime must be addressed by social democratic Governments (Lea and Young 1984). Ironically, this more pragmatic stance aligned them with some aspects of the right wing position. The fourth paradigm shares with the other three paradigms the view that rehabilitation had failed. It is called the '*new administrative criminology*' because it returns to the neo-classicism of the administrative criminology from the turn of the 19<sup>th</sup> century. It sees criminals as rational actors but theirs is a limited rationality influenced by learning from their social environment. There is little interest in aetiology in this position, rather the assumption is of crime as a routine and expected behaviour which must be limited by preventative and environmental measures, for example limiting opportunities for crime or deterring it by surveillance. A strong emphasis is upon the effectiveness, in terms of cost and impact upon quality of life, of comparable measures. Young suggests that these four positions, left idealism, left realism, right realism, and the new administrative criminology adopted by the Home Office constitute the four major paradigms in criminology which have emerged since the early 1970's.

Whilst it is hard to disagree with Young that the four positions he names have been extremely influential, the same period witnessed the development of other criminological voices that were critical of the mainstream positions, because those positions all omitted any reference to the race or gender of the subject encompassed



within their theories. It is uncontroversial to suggest that in the UK, the criminal justice system deals mostly with white males because they commit most of the crime; nevertheless there is no logic to the assumption that theories generated about them can be unproblematically generalised to the rest of the population. Writing about the same period of crisis following the collapse of rehabilitation, criminologists who took race or gender as a primary analytical tool began to challenge white malestream criminological assumptions. Black criminologists identified the pervasive assumption of the link between black men and crime, and the lack of interest in this racism by critical criminologists (Gordon 1983). Feminist criminologists were deeply critical of criminological theories which assumed that men's experiences were relevant for women and wanted to know why mainstream criminologists had taken so little interest in women, either as perpetrators or victims, when investigating crime and its causes (Heidensohn 1968, Smart 1977). From these positions researchers began to analyse the impact of various aspects of the criminal justice system upon black people and women. Hall et al. (1978) made a powerful argument for the differential impact of crime control policies and harsh policing measures upon young black men. Gilroy (1987) identified the way that urban unrest in the early 1970s became interpreted as a race problem. Feminists challenged the stereotypes of women as pathological and exceptional in their nature, and demonstrated that the difference between male and female offending was in its 'frequency, scope and seriousness, not essential qualitative differences' (Heidensohn 1987, p19). A key aspect of women's treatment by the criminal justice system addressed by feminists was the issue of whether women are treated by the courts more leniently (the chivalry hypothesis) or more harshly (the sexism hypothesis) than are men. The chivalry hypothesis was first put forward by mainstream criminologists based upon official statistics which showed that women were much more likely than men to receive non-custodial sentences and be remanded for medical, social or psychiatric reports (Mannheim 1965, Walker, 1965). The sexism hypothesis challenged this, suggesting that women were more likely to suffer 'double jeopardy' because they were stepping outside their traditional female roles by committing crimes (Edwards 1984, Seear and Player 1986). Subsequent work demonstrated a more complex picture in which stereotypical assumptions about women as mothers, as carers and as offenders, do impact upon sentencing but in a more oblique way than previous studies had suggested (Carlen 1983, Eaton, 1986, Farrington and Morris 1983, Worrall 1981).

These diverse strands of criminological enquiry were each to have their impact upon the hitherto comfortable status of rehabilitation as the accepted mode of dealing



with offenders, and in addition to these theoretical challenges, an empirical claim was put forward: that treatment simply did not work. In an often cited article, Robert Martinson reviewed research from the United States and is usually purported to have suggested that as far as treatment approaches to offenders go, 'nothing works' (Martinson 1974). Martinson was in fact never so unequivocal and was really saying something more along the lines of, most things don't work very well, but some things work with some people in some circumstances (Cohen 1985). This and the fact that Martinson also included imprisonment in the category of failed measures did not stop the slogan 'nothing works' being applied chiefly to rehabilitative social work based measures that had until then been used with both adult and young offenders. 'What works?' became the quest for measures that could be proved to 'work' and resulted in the proliferation of studies, mostly in Canada and the USA, which used the technique of meta-analysis (i.e. reviewing large groups of previous individual studies and carrying out a statistical analysis of the findings across the full group of studies). In this way it is deemed possible to make authoritative claims about the effectiveness of a particular treatment modality used in numerous individual studies. This fitted in well with the new administrative criminology paradigm that was becoming dominant within the Home Office at the time, because it could produce measures of effectiveness against which policy could be tested. This would eventually lead to the standardization of probation practice based upon so called 'accredited programmes' which had been empirically tested using such measures. The more immediate response was from probation and social work academics and practitioners who began to question probation casework methodology.

Mair (1997 p1209), has called the period between the mid 1970's and 1990 'the era of diversion from custody' and this was certainly a key thrust of the response from probation academics to the 'nothing works' argument. Practitioners began to raise concerns about the declining use of the probation order and to suggest ways of making it more effective by emphasising the diversionary potential of community disposals (Bryant et al. 1978). Services also developed special projects aimed at strengthening the probation order, and thereby making it more attractive to the court as a disposal. New, short term methods of intervention were used in these projects, for example crisis intervention in the Sheffield Special Projects Team (Harman 1978) and task-centred case work in the Inner London Differential Treatment Unit (Dobson 1976). The argument for diversion from custody was made strongly in an influential article in the British Journal of Social Work. Bottoms and McWilliams (1979) put forward their 'non



treatment paradigm for probation practice'. This model is part of the development of 'client centred' approaches to social work, which, rather than setting out a completely new model, try to reassert the helping nature of the task (Jordan 1970; 1972; 1979). In the 'non treatment paradigm' the traditional aims of probation practice are stated as:

1. 'The provision of appropriate help for offenders
2. The statutory supervision of offenders
3. Diverting appropriate offenders from custodial sentences
4. The reduction of crime' (p168).

The suitability of these aims is affirmed, but a strong case is made against treatment as their underpinning rationale. Care is substituted as the alternative basis of the helping relationship. Coercion of offenders is also criticised and the role of the offender as an active participant in his or her own rehabilitation is proposed. Diversion from custody is stressed and it is suggested that the Probation Service should develop more suitable alternatives to custody which are based upon help not treatment. Voluntarism is key in this paradigm with the kind of help being strictly within the choice of the offender rather than prescribed by the probation officer as expert. The crime reduction element is to be achieved by community work and again the choice of what kind of work with what outcomes is to be decided upon by the community itself, not the Probation Service. A number of books appeared putting forward diversion from custody as the appropriate way forward for Probation: (Pointing 1986, Stanley and Baginsky 1984, Vass 1990). Service policy followed this direction for a considerable period and I remember clear instructions to focus probation and community service recommendations in social enquiry reports upon high tariff offenders who would otherwise be sent to prison. NAPO (National Association of Probation Officers) policy at the time also reflected this by being firmly against probation officers recommending custodial sentences although contemporary research had shown that officers did recommend custody against union policy (Ford 1972). The values inherent in client-centred models move away from the Kantian individualist perspective and toward a contextual and relational view of practice with help and care as the focus.

Many accounts of probation history at this point go on to look at how diversion from custody failed to reduce the ever-increasing prison population because no matter how alternatives to custody were expanded and targeted in social enquiry reports, this could never reduce the prison population unless curbs were placed upon the judiciary's



ability to choose to impose prison sentences (e.g. Mair 1997, May 1991). However, this is to miss out the impact of the radical critique, and as is often the case, omit race and gender as categories of analysis. The critique developed by radical criminologists in terms of race and gender found its way into practice in a number of ways. From 1971 onwards probation officers were being educated in Universities with social workers on a social work programme provided jointly by universities and the Central Council for Training and Education in Social Work (CCETSW). As early as 1972, CCETSW published a discussion paper on values in social work. Whilst this was not yet a statement of commitment to anti-discriminatory practice, it called upon social work practitioners to examine the nature of their own work (CCETSW 1972). Critical social work academics were beginning to examine social work and probation practice through a Marxist influenced, anti racist and anti sexist lens, and from the late 70s onwards a number of critical texts were produced that were to be influential in social work training during the late 70's and well beyond. These include: *Social Work Practice Under Capitalism* (Corrigan and Leonard 1978), *Social Work, Welfare and the State* (Parry et al. 1979), *Radical social work and practice* (Brake and Bailey 1980) *Probation Work, Critical Theory and Socialist Practice* (Walker and Beaumont 1981) *Theory and Practice in Social Work* (Bailey and Lee 1982), *Anti-Racist Social Work* (Dominelli 1988) and *Feminist Social Work* (Dominelli 1989). Radical practice is not writ large in *Probation Journal* in the 1970s, but the seeds of change are there. The influence of what he terms 'sociological and political schools of thought' on practice is acknowledged by Mathieson (1975 p37) and he notes the formation of the NAPO Members Action Group, a socialist section within NAPO, who were as Mathieson puts it 'frustrated by the alleged inactivity and incompetence of the traditional NAPO' (p39). The Action Group went on to be influential in the development of some of NAPO's more critical policies over the next three decades or so. Bill Beaumont, then a member of NAPO's national executive committee contributed a socialist critique of probation practice to the 1976 Probation Journal special edition, celebrating the centenary of the Police Court Mission (Beaumont 1976). Gender makes it into the Probation Journal in an article entitled 'Sexual discrimination and the courts'. This article reviews the chivalry versus sexism debate in relation to women's treatment by the courts and concludes that the evidence whilst complex on the whole supports the view that women are discriminated against by the courts rather than treated leniently (Mawby 1977).

From the beginning of the 1980's the impact of critical ideas about race, gender and socialist practice can be clearly seen in the development of NAPO policy, in



practitioner contributions to the *Probation Journal* and in the kinds of projects being developed in different probation areas. Following on from the development of NAPO Members Action Group, three further influential interest groups were formed within the Association. These were *Women in NAPO* (1983), *ABPO* ( *the Association of Black Probation Officers*) (1982) and *LAGIP* (*Lesbians and Gays in Probation*) (1982). All three of these groups have made their impact upon the development of NAPO policy which has in turn influenced probation policy more generally. Community work and group work focusing on the needs of particular client groups are central features of probation work, as may be seen from the contributions to *NAPO Journal* during the 1980s. There were employment schemes such as the Barnsley Workshop (Birkbeck, 1980), neighbourhood centres (Robinson, 1982) and a variety of other community based programmes including car and motorbike projects, day-care provision, group work with drug users and alcohol dependant clients, education and leisure projects based in higher education, to name but a few. The likelihood of race and gender bias in probation supervision and social enquiry reports was recognised (Carrington and Denney 1981, Whitehouse 1983, Worrall 1981) and there were practitioner-led projects to provide for the needs of black and ethnic minority and women clients. Examples are the Palace Youth Project for young black people in Leeds (Pinder 1982) and women only group projects which had moved on from the earlier 'prisoner's wives groups and were now based upon consciousness-raising and assertiveness principles (Mistry 1993). Practitioners responded with alarm to the threat made by the Criminal Justice Act (1982) to the voluntarism of such projects by the introduction of the Day Centre Order. The Act was an attempt by the Government to promote the use of community penalties in an effort to reduce the ever-increasing prison population. An offender sentenced to a probation order with a condition to attend a day centre could be returned to court after one day's non-attendance. The 1982 Act was seen by practitioners as a way of changing probation from a social work intervention to a form of containment in the community (Jordan 1983). The commitment to voluntarist community work was strong, however, and by 1986, a national survey of field work probation teams revealed that only 10% were not involved in voluntary community work projects (Henderson 1986). Although there was optimism about the spread of community work defined strictly as such only if its involvement was voluntary and its focus was on issues defined by the community it served, there was nevertheless a note of caution that the direction of the Service following the 1982 Criminal Justice Act was toward community surveillance, with the risk that community projects could be used that way.



By the end of the 1980s, it is clear that the impact of critical theory has made a permanent impact upon policy and practice. Indeed its principles are incorporated into Home Office research and policy in subsequent decades. An example is Section 95 of the 1991 Criminal Justice Act which requires the Home Office to produce statistics about the treatment of black people and women by the criminal justice system (Denney 1997). This kind of incorporation of anti-oppressive practice into policy frameworks leads to some critics suggesting that anti-oppressive practice itself contributes to managerialism (Nellis 1995). It has also been suggested more recently that anti-oppressive perspectives stunted discussion because practitioners had a tendency to see moral responsibility to oppressed groups as taken as read (McBeath and Webb 2002).

Despite these developments, the new Tory Government's overall thrust was a return to a populist right wing style of Government with minimal state intervention and authoritarianism. It focused its attention on other aspects of social policy during its first term of office, but by the mid 1980s, the Probation Service began to feel the impact: 'The key concepts for the Service have become management by objectives, cost effectiveness and management information systems' (Vanstone and Seymour 1986 p 44). The Statement of National Objectives and Priorities in 1984 signals the beginning of the Government's strategy to curb the financial independence of the Service, which had hitherto been 80% Home Office and 20% Local Authority funded, and managed by Probation Committees which had a considerable degree of financial and policy-making independence. The Service was to be pushed into a greater degree of accountability and toward a much more managerial approach to its working practices, particularly the management of staff. Services had to respond to SNOP by setting their local objectives and priorities, but a subsequent Green Paper was to signal a far more radical restructuring of the Probation Service's work (Home Office 1988). Arguably, this Green Paper and the subsequent legislation, the Criminal Justice Acts of 1991 and 1993 changed the focus and direction of probation practice irrevocably, moved away from rehabilitation and toward retribution as the basis of sentencing and established the mode of practice which exists today, which I shall call Punitive Managerialism. This will be the focus of the following chapter: 'Critical History Part Two – The Rise and Rise of Punitive Managerialism'.

### **Chapter summary**

This chapter has provided the first part of a critical history of probation practice, looking at practice in its earliest, 'moral mode' as it developed in the shadow of the



Victorian prison, and moving on to the rise of the confident, 'clinical mode' of practice which established itself in the post war decades of 'Butskellism'. It has been argued that the changing socio-economic and political climate as well as pressure from academics and practice theorists of left and right had their impact upon the demise of the clinical mode with its foundation in rehabilitation and underpinning values of care and respect for persons. The chapter ends with the turn of the 1980s signalling a yet more profound change in probation practice toward a much more punitive and managerialist style.



# **Chapter Five**

## **Critical History Part Two**

### **The Rise and Rise of Punitive Managerialism**

#### **Introduction**

This chapter will consider the development of probation practice in the period from the 1991 Criminal Justice Act to the present. Its focus will be on language and discourse. At the macro level a prevailing discourse both shapes and is shaped by the dominant socio-economic ethos. At the micro level the language embodies certain concepts and values, from the designations used to describe the workers, to the characterisations of what is done, to the terms used to refer to recipients of policy services (Gregory and Holloway 2005). The narrative created in the implementation of policy is thus a powerful indicator of the relationship between policy and practice and the forces impacting upon both. Drawing on the theoretical framework set out in Chapter Three which encompasses discourse theory and the feminist ethic of care, it will be argued that the policy discourse that frames practice shifted over more recent decades, away from 'advise, assist and befriend', toward 'manage, control and punish'. Policy discourse has become dominated by a masculinist narrative, underpinned by the ethic of justice, which has displaced the ethic of care more often associated with probation practice in the 'clinical mode'. Particular examples of this process will be highlighted: the rise of the 'what works' agenda; the removal of probation officers from social work training and the 'probation values' debate. Practice, which has hitherto been practitioner-led, now becomes centrally controlled, and the impact of the radical critique is incorporated into policy frameworks, statistics and key performance indicators, reducing its radical potential, and leading some to suggest that it enhances managerialism.

#### **The discourse of managerialisation and marketisation**

From its first election in 1979, the Conservative Party was keen to restructure public services based upon its populist ideas of freedom, choice, self reliance, enterprise, morality and responsibility. The new Government did not focus its attention in the first instance upon criminal justice because its election victory had also been achieved on a crime and punishment platform, and promises had been made to the electorate about a 'return to law and order'. In fact criminal justice services underwent a period of almost unprecedented growth in the early years of the first Conservative administration (McLaughlin and Muncie 2000). The *managerialising* and *marketising*



principles used by the new Government in its radical restructuring of public services are worth noting here because these would in due course be applied to the Probation Service. These processes are underpinned by an ideology which is at once anti-statist (the state should have a minimal role in people's lives and in the management of the economy) and anti-welfarist (welfare spending drains resources from the 'real' economy, ie the private sector, and should therefore be curbed). It is also seen as perpetuating unemployment by discouraging people from obtaining gainful employment (Clarke et al. 2000).

*Marketisation* of the public sector is achieved by treating the public sector as though it is a private sector business. In the early 1980s this was achieved in a number of ways:

- The wholesale dismantling of public companies: water, steel, the buses, the railways, the telephone system, council housing;
- creating a purchaser/provider split in the provision of services within public sector organisations, for example requiring Local Authorities to put refuse collection out to tender so that if it was to continue to be carried out by the Local Authority, it would have to compete against private sector companies who could put in loss-leading bids for the contract;
- generating competition between different public sector providers – for example the introduction of league tables for schools;
- promoting 'consumer' choice, for example requiring Local Authorities to allow parents to choose their child's school, or the provision of vouchers for services which 'customers' can use at different agencies.
- The growth of quasi-Governmental agencies to oversee public spending: for example 'inner city partnerships' which became the conduit for Government and EU spending on the development of inner cities during the 80's and 90's.

This process is framed within the discourse of marketisation, and language is the conduit by which these principles become adopted by all parties to the process. Local Authorities may have been deeply opposed to a purchaser-provider split and competitive tendering, but in order to try to retain the Services within the public sector, they were forced into a bidding process which required them to use the terminology of the market in order to participate. This can be seen across all aspects of former public sector provision, both in terms of the users of the Services, the providers of the



Services, and the nature of the Service provided. Rail and bus passengers have become 'customers', social services clients have become 'service users', social workers have become 'care managers', the part of Local Authorities that provide services directly in competition with the private sector have become 'direct service organisations.' There are 'pathfinder programmes,' 'flagship schemes,' 'pilots' and 'projects'. The temporal nature of the language surrounding service provision is striking and correctly implies that funding is never permanent: there is a competitive bid for a 'scheme,' 'project', 'pilot' or 'pathfinder' which *if* awarded will be subject to review and evaluation for a specified time-limited period of service provision.

*Managerialisation* is the concomitant of marketisation; if a public body is to behave like a private company, then the logic is that it must be managed like one. Managerialisation is the process by which management practices derived from the private sector are applied to the public sector in order to achieve the same objectives at lower cost. One indication of managerialisation is the growth of the numbers of people employed in management grades in public sector organisations (Clarke et al. 2000). There is a tendency for these managers to be white and male even in social services where main-grade workers are predominantly women (Lupton 1992). Managerialism embodies the knowledge skills and values of the market. There is a tendency to focus on outputs rather than inputs and a strong belief in competition and consumer choice (Dunleavy and Hood 1994). Within the caring professions, there is also a tendency to move away from the personal casework supervision characteristic of social work and probation, and toward a more corporate style of management concerned with the organisation's external performance. The new public manager must be capable of strategic thinking as he or she steers the organisation through the constant change to which the public sector has been subjected in recent years, and very flexible in being able to respond to the changing demands made upon the organisation, particularly in terms of greater cost effectiveness and the demonstration of efficacy required of public services.

By the end of the 1980's the pressure was mounting upon the second term Conservative Government to do something about crime, because despite expansion in all the relevant agencies and tough talk by the Government, crime continued to rise. Official statistics showed increases in almost all categories of crime, and public fear of crime was fuelled by sensationalist media coverage (Young 1999, McLaughlin and Muncie 2000). The decade had also been witness to a number of high profile strikes (the miners, the steelworkers, Grunwicks) and inner city disturbances in Brixton, Bristol and



Liverpool. The pitfalls of making crime and disorder reduction a political goal were becoming clear. Having injected these new public management principles into their goals for criminal justice policy, the Conservative Government was now hoisted by its own petard: it had to produce a criminal justice system that was both tough and effective, and could be seen to be so.

The 'Statement of National Objectives and Priorities' (SNOP) (Home Office 1984a) was the first time that the Government had established any national aims for Probation. It also appeared to signal that it was the turn of the Probation Service, to be exposed to marketising and managerialising principles. The financial management of the Service had never hitherto been centrally driven (May 1991). There would now be change in the underpinning ethos of practice away from the needs of clients for a social work service and toward the provision of an effective and efficient service to the courts, which were now seen as probation's main service users. At the same time there was a move away from probation as a social work service based upon clients' needs and toward conception of probation as an organisation concerned with risk assessment, risk management and effective punishment in the community. Vanstone (2004) sees SNOP as the beginning of the end of autonomy for probation practice. Taking Foucault's notion of discourse as a framework of meanings which are historically produced in a particular culture at a particular time (Watson 2000), it is instructive to consider the policy documents that followed SNOP as key participants began to respond to the politically-led social policy changes. Initially, The Association of Chief Officers of Probation (ACOP), The Central Council of Probation Committees (ie the employers organisation, CCPC) and the National Association of Probation Officers (NAPO) tried to reassert some of the traditional aims and values of practice in their paper 'Probation: The Next Five Years' (ACOP et al. 1987). However, a year later, ACOP broke ranks and in its paper 'More Demanding Than Custody' was seen to be vying with the Home Office in the use of more punitive terminology than was used in the Government's green paper 'Punishment Custody and the Community' (ACOP 1988, Home Office 1988). The key difference between criminal justice and the rest of the public sector is that service users cannot become customers; offenders cannot be seen as freely choosing a service from the courts, prisons or Probation Service. The concomitant of consumerist language in criminal justice has therefore been a *punitive* managerialist discourse. From this point on probation policy discourse eschews language associated with an ethic of care and social work values and embraces a more punitive discourse associated with the ethic of justice. 'Client' becomes 'offender', 'care' becomes



‘punishment’, ‘practitioners’ become ‘staff’ and the key objective of ‘advise, assist and befriend’ is marginalised in favour of an approach to probation practice that prioritises ‘protection of the public’. The word client, which may not be quite the right term for those with whom Probation works, implies a person in receipt of a service, and for whom there is respect as fellow citizen and service user. The word offender does not. The use of the word offender in professional discussions and in all policy documents, letters, memos, e-mails and other forms of communication has become a regular and persistent reminder of the ‘otherness’ of those with whom the Service works. It also denotes a lack of respect for them as people, and a note of futility – how long after an individual’s last offence does he or she finally cease to be an offender? The fact that this word is used even in contexts in which it makes little sense is a clear indication that its use is more about creating a punitive culture than straightforward communication. An examination of discussion papers from the period demonstrates that the key players, even NAPO with its focus on practitioners’ interests, came to accept this punishment talk, signalling a lasting change to the probation discourse.

## **Punitivism**

In bold and punitive language, the 1991 Criminal Justice Act signalled the Government’s stated intention to bring the Probation Service to centre stage within the criminal justice system, as part of its efforts to reduce the prison population. Rehabilitation, a consequentialist, future-oriented philosophy that had underpinned sentencing since the Second World War, was replaced with retribution, or ‘just deserts’, a backward looking approach in which the punishment should be proportionate to the severity of the crime (Rex 2005). Proportionality in sentencing policy meant that probation officers were instructed to provide more focused, offence oriented pre-sentence reports to the court in place of the socially-oriented social enquiry reports (Mair 1997). Only those defendants whose offences were ‘so serious’ that they required imprisonment would be sent to custody, others would be dealt with in a series of toughened up community penalties including for the first time the ‘Combination Order’ which required the offender to be subject to probation supervision as well as to perform unpaid work within the community. A Probation Order now became a sentence in its own right, rather than as previously being a form of recognisance, in which the court allowed the Probation Service to supervise the offender instead of sentencing him or her to punishment. The loss of this understanding of ‘probation’ itself is crucial. In its dictionary meaning there is a notion of ‘testing the character or abilities of a person in a



certain role' which implies a time scale, a temporary period, and a goal to strive towards, to try to succeed in proving one's abilities. This implies a dynamic in which someone is moving forward, changing for the better. It infers capability on the part of the person to make those changes, and this necessarily involves some form of commitment on their part to the process. Prior to the 1991 Act, the making of a probation order involved an individual in consenting to the order being made. This left room for negotiation about the kind of work to be done during its currency. The role of the professional helper in this process is a 'client centred' one. It is based upon the relationship between the helper and the helped, and fundamentally regards them as equals. The loss of voluntarism, which had been implied in the giving of consent by the offender, changed the basis of the relationship between probation officer and probationer so that the officer now became the enforcer of a punishment rather than a professional providing help and negotiating with the offender about solutions for change (Eadie 2000). Punishment was now to take place both in prison and in the community, and probation was completely reframed as a punishment, not an alternative to custody. Following implementation of the Act, National Standards were produced which for the first time structured probation supervision within a framework which stipulated how often the offender was to be seen and on what basis they should be brought back to court for non-compliance (Home Office 1992). Breach, as it is usually called within the Probation Service, is something which had previously been something to be avoided, because practitioners regarded getting the client through the order as a successful outcome. Although this first set of National Standards defined the nature of probation supervision much more closely than the previous injunction to officers simply to 'advise, assist and befriend' the offender, it nevertheless explicitly left room for practitioner discretion:

'The framework of the standards leaves, as it should, much of the application of probation and social services work with offenders to the exercise of skill, imagination, discretion and judgement on the part of individual practitioners and services; it also provides a consistent basis for developing and promulgating good practice' (Home Office 1992, p4).

By 1993, however, Michael Howard was Home Secretary. There had been a right-wing backlash against some of the provisions of the 1991 Act, and Michael Howard responded to this with his now famous 'prison works' speech to the Conservative Party Conference in 1993. The 1993 Criminal Justice Act effectively withdrew the position of centre stage from Probation (Nellis 2004). It also repealed the Unit Fine, one of the



more progressive provisions of the 1991 Act in which fines were to be based on the offender's ability to pay as well as the nature of the offence. The discretion given to probation officers in the 1992 National Standards is swept away in the 1995 version (Home Office 1995a), and a subsequent revision in 2000 is even more stringent in its requirements. It is also prefaced by a quote from the then Home Office Minister for Probation, Paul Boateng:

‘We are a law enforcement agency, it's what we are, it's what we do’  
(Home Office 2000, un-numbered first page).

In the 1991 and subsequent 1993 Criminal Justice Acts and the green and white papers preceding them, we see the development of a more punitive role for the Probation Service, and the development of a style of practice that is less autonomous, and more tightly managerially controlled. The National Standards become linked to key performance indicators that services are required to meet. For example, the frequency of contact between officer and offender is suggested in the 1992 standards as ‘*where practicable and appropriate*’ 12 appointments should be made of an offender to see the supervising officer in the first three months of an order, 6 in the next three months and thereafter at least one each month.’ In the 1995 Standards the words ‘where practicable and appropriate’ have been removed, and in the 2002 Standards, the wording is that ‘12 appointments *shall* be made within the first 12 weeks’ of the order (Home Office 2002b, emphasis added). The process of enforcement leaves the officer less room for discretion with each subsequent revision of the standards. The 1992 standards allow the officer the discretion to accept the offender's explanation for non-attendance, particularly in cases where there may be a ‘chaotic lifestyle or ‘substantial difficulties faced’ (Home Office 1992 p39). If the officer does not accept the explanation, a warning must be given, and the offender is allowed two warnings within a 12 month period before breach action is taken. In the 1995 standards, the officer's discretion to allow for the offender's circumstances has been removed, and by the 2002 version of the standards, only one warning in 12 months is permitted before breach action must be taken. Enforcement of community sentences soon became a key performance indicator for the Probation Service. In an effort to meet this, Service managers curtailed officers' discretion further by requiring them to consult their line manager about the acceptability or otherwise of an offender's reason for failure to attend. In this way, community sentences can be seen to be tough because more offenders will be returned to court for breach action, and by making enforcement a key performance indicator, the managerialist target of



effectiveness can also be seen to be achieved, thereby showing that community sentences are *by these measures* both tough and effective.

This 'enforcement of enforcement' serves as a useful metaphor for the punitive-managerialist mode of practice because it is effectively punitive, and increasing numbers of offenders are sent to prison for failure to comply with community sentences (Solomon 2005). It is also confidently managerialist in that probation practitioners can be seen to be effective by meeting key performance indicators about *enforcement* of sentences. 'Enforcement of enforcement' embodies the ethic of justice in that it is a rational approach to individuals who are on probation; relational elements have been removed with officers' discretion. It emphasizes due process (for example everyone gets the same number of warnings, and everyone has a fair hearing before magistrates for the breach of their order). It does not take account of need, nor does it allow for context despite the chaotic lives that we know people on probation often lead (Mair and May 1997). It gives the practitioner very little ability to practice in a caring way: they are allowed little discretion in the process and cannot take account of the specific circumstances in making a judgement. It therefore represents organisational control of professional practice, as well as legislative control of the offender.

### **Punitive managerialism into the millenium**

The development of the punitive managerialist mode of probation practice began under a conservative Government but has developed apace under New Labour (Nellis 2004). The party political consensus on crime, as we have already noted, broke down at the time of the 1979 election which swept Mrs. Thatcher to victory. Since then the Labour Party has metamorphosed into a 'tough on crime' party to the extent that Downs and Morgan have argued that it drove the Conservative Government's punitive agenda as the Tories fought to maintain their dominance as the law and order party:

'First Blair, then Straw, not only dogged Howard's heels; they became his doppelganger, even his caricature. They beat him to the punch on several fronts. They trumpeted their admiration for the 'zero-tolerance' policing in New York, the need to crack down on 'incivilities', 'squeegee merchants' and beggars. The punitive proposals in the 1994 Criminal Justice and Public Order Bill went unopposed by Labour, as did proposals for mandatory sentencing... Looking back, it is more accurate to see Kenneth Baker and Michael Howard as the prisoners of Blair and Straw's agenda rather than – as generally assumed – the reverse' (Downes and Morgan 2002, p296).

On its election, the New Labour Government sought to prove its law and order credentials with its first piece of legislation the Crime and Disorder Act 1998 which the then Home Secretary Jack Straw proposed as 'the most co-ordinated and coherent attack



on crime in a generation' (Straw 1999, p1). The cornerstones of the New Labour criminal justice policy demonstrate its commitment to the continuation rather than departure from the processes of punitive managerialism:

- 'Consistent and mutually reinforcing aims and objectives;
- Enhanced use of existing resources ('Best Value')
- Evidence-based approach to crime reduction which embeds a 'what works' occupational/professional culture;
- Modernization of the structure and operation of criminal justice agencies
- Improved performance management' (McLaughlin and Muncie 2000, p174).

Punitive managerialism within probation practice is part of what Garland (2000, 2001) has called 'a culture of control' that has developed in late modern society with its persistently high crime rates. In the face of crime statistics both from official sources and self-report studies showing increases in most areas in every decade since the 1950's western Governments (and Garland is really talking about the USA and UK) have withdrawn to themselves the power to punish which had hitherto been ceded to experts and the judiciary. In the face of overwhelming crime figures, official research has turned away from the social or psychological causes of crime, and toward research about crime prevention, limiting situations and opportunities in which crimes can occur. The underpinning assumption here is that crime is a normal social fact and that people will tend to commit crime unless prevented from doing so. A 'new penology' develops whose task is managerial not transformative. It incorporates ideas from environmental criminology – limiting the opportunity for crime, and from what has been called 'actuarial criminology' which is about the identification and management of risky populations. This latter objective is what probation practice has become concerned with. The probation officer has a job which focuses upon the assessment of risk, the enforcement of legal sanctions, the challenging of offending behaviour, and case management (Goodman 2003). Kemshall suggests that the assessment of risk is now the core business of the Probation Service 'supplanting ideologies of need, welfare or indeed rehabilitation' (1998, p1). Information gathering is carried out using increasingly structured and prescribed tools and proformas, (e.g. *OASYS*, a form of 50 plus pages, which is designed to assess both need and risk) and the influence of clinical judgement is restricted. There is some indication that Probation staff have continued to deploy *OASYS* in a way which enables them to work in a humane way with service users (Robinson 1999, 2003) and this is reflected in the *Voices from Practice* chapter in this study. Public protection is the stated justification for these strategies. An irony of the



system is that recidivism, though still important, is not as crucial as enforcement, which becomes a goal in its own right. Therefore, failures of probation or parole ironically become a kind of success, in that they indicate system efficiency (Feeley and Simon 1992).

How did a profession who had been accustomed to leading practice, creating new ways of working, and campaigning for support for the oppressed groups they worked with, come to be turned into punitive case managers? The answer to this is complex. The context is suggested by Garland (2000, 2001) who proposes that in response to the penal crisis that has developed since the 1970's Governments in Britain and the USA have engaged in two strategies: 'preventive partnership' and 'punitive segregation'. The first is a way of spreading the responsibility for crime control to the wider society, to the 'responsible citizens', the shop-keepers, business people and community members, engaging them in partnerships to take preventive action against crime, and redefining the roles of criminal justice agencies such as the police and the Probation Service (p 348). It is an approach which focuses less on crime causation and more upon the management and processing of offenders. The second is a 'tough on crime' stance including harsher penalties, fewer opportunities for early release, harder prison conditions and a move away from treating young offenders as children and toward treating them as criminals, as in the killers of James Bulger (Gregory 2006). A key feature of discourse associated with these strategies is the tendency to deny uncertainty, to talk in absolutes about what the Government can produce or achieve in relation to crime; in order to do so they focus on readily identifiable 'yobs' or 'bogus asylum seekers' whilst attempting to develop a sense of responsibility among 'respectable' citizens. A paradox of this tendency to eliminate uncertainty is that it heightens anxiety and fear of crime among the very population the Government is seeking to reassure (Ditton and Chadee 2005). A paradox for social work and probation practice is that its very nature encompasses the uncertainty of the messy, day-to-day realities of people's lives, and it is very difficult to provide certainty in terms of processes or outcomes (Parton and O'Byrne 2000).

Turning its attention toward so called 'anti-social behaviour', amplifies the offending of younger people and exacerbates intolerance, whilst diverting attention away from any increases in more serious crimes. Punitive segregation is an expressive policy stance –victims become representatives of the wider public, and the assumption is that they want to see criminals punished harshly. There is a valorization of victim status in which the victim is brought to the centre of the criminal justice stage. Hitherto,



the victim was a shadowy figure in the criminal justice system whose interests were assumed to be represented by the state. Now, the victim is invoked as representing the public's anger about crime and demands for tougher penalties (Garland 2001). The needs of victims are clearly separated from the needs of offenders as though in some 'zero-sum game' anything that prioritises the rights or needs of offenders is somehow detrimental to victims (Tonry 2004). All of these developments increase anxiety about crime and anti-social behaviour and widen the gulf between citizens (the law-abiding, responsible kind) and *others*, that dangerous underclass which is responsible for the graffiti, the criminal damage, the burglary, and other similar offences which contribute to the loss of ontological security.

Garland believes that this helps us to understand why penal-welfare professionals have failed to protest strongly enough against the harsher regimes that they now help to administer. Their status as baby boomers - the first generation to enjoy the benefits of the welfare state - their middle class education with its liberal, rehabilitationist stance toward crime, and their ability to live in relatively crime free neighbourhoods, enabled them to distance themselves from crime and criminals and thereby adopt a 'civilised' approach to it. This may be helpful as contextualisation, but more active steps have been taken by the Government in its transformation of probation practice that have included changing not only the legislative context and structure of the work; in the process of managerialisation of the Service, active control has been exerted over the acceptable knowledge base for practice, the training of practitioners, and the values that are deemed acceptable for practice. What we learn from the practitioners in this study is that they do not readily become punitive case managers even in an environment that is antithetical to their original practice values.

### **Practice knowledge: narrowing the field**

Lupton (1992) discussing the social services context, has noted how managerialisation has led to the requirement for policy focused knowledge that can be used to justify policy objectives. Social work had been criticised heavily in the past for its lack of a research base for practice, or for taking little notice of such research as was available (Booth 1986, Sheldon 1986). but with the increasing demand for evidence-based practice, organisations have tended to seek out strategic organisational input which is used to bolster already assumed truths or to justify pre-determined outcomes. There has also been a tendency in recent years to prioritise quantitative over qualitative data because qualitative studies have been seen as messy and unfocused and not



producing the kind of data sought by organisations seeking to meet key performance indicators. This prioritises rationalist approaches to research as opposed to relational approaches favoured by feminist researchers and those who support bottom-up research involving service users (Lupton 1992).

The move in probation practice from ‘what works?’ as a genuine question about what actually helps someone to move away from offending and toward ‘what works’ as a shorthand term for a prescribed mode of practice is a case in point. It was noted in the previous chapter that Martinson’s (1974) challenge to the rehabilitative ideal, though entitled ‘nothing works’ did not literally suggest that. However, the message given to probation practitioners in this period of punitive managerialism was that the public had begun to believe that probation does not work. The research community had, in response to Martinson, begun the search for correctional programmes that could be shown to work. Mair (2004) documents the development in Canada of cognitive behavioural treatment programmes, coupled with evaluative research that claimed to demonstrate their effectiveness in reducing recidivism. A concomitant development was the use of meta-analysis as a research technique, comparing data from large collections of previous studies to establish a statistically significant claim that one kind of treatment was more effective than others. This, it was confidently asserted, was cognitive behavioural treatment (McGuire and Priestly 1995). Cognitive behavioural packages were marketed with an entrepreneurial zeal never previously witnessed within UK criminal justice. Bearing in mind that most practitioners were provided with this information via uncritical ‘effectiveness’ training events, conferences or workshops prior to being asked to implement a particular programme already purchased by their service, it is unsurprising that many accepted the idea of a ‘proven’ effective treatment package. ‘What works’ was no longer a question, but as Mair notes, under New Labour it has become more akin to an orthodoxy (Mair 2004). Significantly, the question mark is dropped, and the unwritten prefix is, [*This is*] what works. Hard evidence of the efficacy of accredited programmes instituted on the basis of these claims remains elusive, and ambitious targets for putting offenders through them have been halved (Gorman 2001, Gorman O’Byrne & Parton 2006, Merrington and Stanley 2000, Vennard et al. 1997). However, as part of the Effective Practice Initiative (EPI), probation practice now overwhelmingly employs cognitive behavioural programmes which have been centrally accredited as meeting the effectiveness criteria laid down by the Home Office.



Critics of the *what works* orthodoxy have also pointed out the methodological difficulty of deciding what precisely is meant by recidivism which is the most frequently used measure of success in the evidence supporting *what works*. Is it commission of a new offence, arrest for an offence, or a conviction? And in relation to community supervision, is failure an offence committed during the supervision or afterwards (Kendall 2004)? In a selective reading of the evidence, proponents of the cognitive behavioural solution have ignored the other messages from research, which provide the possibility of alternative effective methods. There is evidence from studies of social work and human services in terms of what service users found effective, which suggests that the relationship between practitioner and service user was seen as the key foundation of a dialogue between the two which could generate solutions (Barry 2000 2006; Howe 1993). The 'what works' orthodoxy has tended to deny the value of a therapeutic relationship unless it has a problem solving component but has also ignored messages about what other things *do not* work (Worrall and Hoy 2005). One of these of course is imprisonment, which evidence suggests is more likely to result in reoffending (Farrant 2006). Other interventions that do not work include programmes that are designed by the worker with no input from the service user, confusion on the part of the worker about their role, and not taking account of the family and community of the service user (Trotter 1999).

The wholesale adoption of cognitive behavioural methodology under the EPI has had a number of effects. It gives central Government control over the 42 services (Nellis 2004); probation management control over practitioners and, in what is already a highly structured environment, acts to limit discretion still further. It has also ruled out many of the practitioner-led programmes developed in the 1980s that were influenced by critical practice. Some programmes which subsequently became 'accredited' had been developed from practice using proven techniques with for example drink-drivers. However, the success of these has been impaired it is argued by the way they have been implemented in accordance with inflexible managerialist targets, resulting in breach of participants before they can benefit from the programme (Raynor 2003). Perhaps of most concern, it has meant that probation practice is based upon research carried using meta-analysis of studies of correctional populations of young white males. The authors reporting on this work frequently fail to discuss gender, even as far as pointing out the gender of their subjects. Difficulties about applying white male oriented programmes to women and ethnic minorities have been seen as resolvable by making minor adjustments to the programme content (Gorman 2001). This appears to be a backward



step for probation practice which had hitherto been influenced by critical research about race and gender (Shaw and Hannah-Moffatt 2004).

The effect of these developments upon probation practitioners and the people they work with has been viewed with concern by practice professionals and academics. The standardization of the work is viewed as reducing professionalism and creativity in the work, thereby alienating hitherto highly motivated professionals from organisational goals (Oldfield 1994). It also reduces the autonomy which has traditionally characterized professional practice (Eadie 2000). Breaking down the work into simple, increasingly narrowly defined tasks adds to deprofessionalisation and enables the work to be performed by untrained, less well paid workers (Dominelli 1996). This process also prepares sections of the work for later down-sizing of the organisation and contracting out that has characterized much of the effect of managerialisation upon other parts of the public sector (Beaumont 1992). The threat of privatisation was felt by many to be a way for the Government to coerce the Probation Service into providing more punitive approaches to dealing with offenders (Ryan and Ward 1991). The measurement of organisational performance by the use of standardized measures of effectiveness like key performance indicators narrows and contains the knowledge base considered appropriate to professional practice. It prioritises actuarial data such as the measurement of the number of times an offender has been seen by the probation officer and devalues broader, qualitative information about practice, as well as placing less emphasis on professional judgement and expertise (Raine and Wilson 1993). Standardising methods of intervention to programmes from an accredited curriculum further adds to the loss of autonomy and professional creativity (Eadie 2000).

Turning to the effect of punitive managerialism upon the people with whom the Probation Service has traditionally worked, critics argue that such practices cease to regard the client of the Service fundamentally as a citizen with the rights and expectations, as well as responsibilities that the status of citizen holds. The citizenship of probation clientele may already be limited by the adverse social conditions of the lives many of them lead (Cox and Pritchard 1995) and the traditional role of probation and social work practice has been one in which efforts have been made to address these difficulties, as part of the process of enabling their rehabilitation (Dominelli 1996). Probation practice which focuses upon challenging offending behaviour and enforcement rather than addressing the needs of the individual client therefore adds to the oppression of those it is supervising. This is at a time when the imposition of market principles upon the public sector more generally has created a large underclass of



people who are either unemployed or have access to very low-paid unskilled work. The practices of targeting pre-sentence reports upon defendants who have committed more serious offences, and of much more stringent enforcement of community penalties also leads to offenders who have committed minor offences but whose social circumstances and personal problems are severe being sentenced without a report, often to heavy fines the non-payment of which will later lead to imprisonment, and to offenders being sent to prison for failing to abide by a community penalty (Hudson 1993). Further, because accredited programmes are based upon research upon young white males and are therefore most suitable for that group, the risk is that those groups already over-represented in the prison population, black and mentally disordered offenders, will be even more likely to end up there (Hudson 1993).

In a challenge to the *what works* orthodoxy, a growing body of research has begun to provide evidence of effectiveness in helping offenders move away from crime which incorporates the concept of *desistance* (Maruna, Immarigeon and LeBel 2004). Desistance broadens the understanding of effectiveness so that both short term and long term gains can be taken into account. Maruna et al. (2004 p19) have distinguished between *primary desistance* which would 'refer to any lull or crime free gap in the course of a criminal career,' and *secondary desistance* which they outline as 'the movement from the behaviour of non-offending to the assumption of the role or identity of a changed person'. Maruna (2001) identifies themes in the accounts of offenders who had achieved secondary desistance in that they came to understand the circumstances of their offending, become motivated to change it, and were clear about the role of those who helped them in achieving change. Change is a process which develops within the social context of the offender, and is aided by a shared understanding of the desister's life that may be developed within the context of a helpful relationship. Rex (1999) demonstrates how probation officers have been cited by offenders as providing that key supportive role. Research carried out by Farrall (2002) takes forward the evidence on the importance of the social context of offenders in encouraging desistance, and identifies the role probation officers can play in this. He discusses the importance of *social capital*, and uses an understanding of social capital as 'good family relationships and employment', with an emphasis upon its relational elements, that is 'those aspects of social capital which operate in social interactions between individuals and other groups and individuals' (Farrall 2002, p61). He stresses that family relationships which are emotionally and/or practically supportive and genuine job opportunities are important enabling features of an offender's life. Farrall recognises that there are many



probation schemes focusing upon the improvement of offenders' *human capital*, i.e. the skills and abilities of the individual. This is usually carried out, as participants in this study note, by referring them to employment schemes, or allocating them to a 'think first' or similar cognitive behavioural programme. However, Farrall stresses that improving the skills of the offender is insufficient if no effort is made to improve their abilities to access opportunities. This is achieved by focusing not only on offending related factors as prescribed in the 'what works' paradigm, but by addressing desistance related factors, one of which is facilitating and enabling the supportive social and family relationships the offender may have damaged by his or her offending behaviour. Probation officers can often provide a link through which these relationships can begin to be rebuilt. Chapter Eight returns to the concept of *desistance* as it relates to the understanding of practice which emerges from the voices of practitioners in this study.

### **Training for criminal justice**

The threat of the removal of probation officers from social work training represented for many committed to probation practice, almost the final act in the transformation of the probation practitioner from social worker with offenders to 'utilitarian functionary in the justice system' (Ward 1996, p114). It was a development that began under the Conservative Government but was decisively completed by New Labour. The Government's announcement in 1994 of a review of probation training was correctly predicted by interested parties at the time as likely to lead to the removal of probation officers from social work training, because the mantle of social worker was no longer viewed as appropriate within the new punitive framework established by the 1991 and 1993 Criminal Justice Act and National Standards (Arnold and Jordan 1992). With the announcement of the review, interested parties joined forces in a powerful coalition to try to oppose probation's removal from social work training. The coalition included The National Association of Probation Officers (NAPO), The Association of Chief Officers of Probation (ACOP), The Standing Conference of Probation Tutors (SCPT), The Joint University Council Social Work Education Committee (JUCSWEC) and the Central Council of Probation Committees (CCPC). The battle over the removal of probation from social work training took place against an educational context in which social work education in the UK throughout the 1980's had gradually moved towards a competency-based model, which formed the basis for assessment under the Diploma in Social Work. The proposed new probation training took this competency model one step further with the first ever higher education degree linked to an NVQ. As



Nellis (2001b) notes, these developments were part of the Competence Based Education and Training (CBET) movement, which must be seen not only as a source of innovative learning strategies but as part of the wider context of marketisation and managerialisation of the public sector. From the academic perspective the risk was what Gould and Taylor (1996) had predicted competency based training could lead to, i.e. a checklist approach to assessment in which the student's learning is measured against a template of defined tasks and performance indicators which may be ticked off in a superficial way. The trainee's performance is measured within a narrow managerialist framework, giving employers considerable power, with a concomitant loss of academic freedom. What results is less an education than what Arendt (1963) calls 'institutional socialisation', involving pressure to conform, loss of autonomy, and a required commitment to organisational values.

Two Government-commissioned research reports had identified that the Diploma in Social Work was not Probation-specific enough for the training of probation officers. (Home Office 1989a, Home Office 1989b). CCETSW attempted to address these shortcomings in Annexes 2 and 3 to Paper 30 (CCETSW 1991). The coalition of organisations negotiated with ministers and lobbied parliament from the first inkling that a change in training was planned, and NAPO sought a judicial review of the Government's decision to remove the requirement that probation officers should hold a social work qualification. Nevertheless, a further Government review concluded decisively that probation officers should be independently trained (Dews and Watts, 1994). Though the Dews report's findings were accepted by the Conservative Government, and they took the steps to rescind the requirement for a probation officer to hold a social work qualification, it soon became clear to those opposing the change that their opposition would receive little support from a Labour Government. When it was obvious that change was inevitable, the coalition focused upon trying to ensure that the new training would meet the complex demands of a probation officer's role, would be at the appropriate level (ie within higher education) and would recognise the range of skills knowledge and values necessary for probation practice. The announcement that probation officers would leave social work training, was in fact made by the newly-elected Labour Government in 1997, and the first trainee probation officers began their two year, combined NVQ and degree – The Diploma in Probation Studies, in 1998. The new training represented a partial success for the coalition, in that although it was NVQ-based, it was also an undergraduate degree, albeit within a two year time-span (Knight 2002).



## **Are social work values relevant for criminal justice practice?**

The struggle over the removal of probation from social work training re-invigorated a debate that had existed since probation first became part of social work training under the auspices of CCETSW in 1971. The essence of the debate is: what sort of values should a probation practitioner hold, and are generic social work values suitable for probation practitioners given the context in which they work? With the changing context of practice, the values debate reflects the struggle of probation practitioners to practice in an ethical way whilst recognising the changing context (Lancaster 2003). Before outlining the debate, it is important to acknowledge the complexities embodied within the term ‘values’, which in everyday usage may simply mean beliefs, attitudes or principles derived from politics, ideology, morality or religion (Banks 2001). This definition of ‘values’ is very similar to the definition of ethics as ‘a set of moral principles’ that I suggest in Chapter Three, is employed in Gilligan’s account of the ethic of care. ‘Values’ as it is understood within the social work and probation practice literature is rather different. Quite often it is used interchangeably with the term ‘ethics’ which in the social work literature is usually being used to mean professional ethics, as in codes of conduct. Hugman and Smith (1995 p2) demonstrate here how in the social work literature, when people talk of both values and ethics they often do so in a way that links *both* terms to professional conduct:

‘Ethical propositions are statements of value related to action. In the instance of social work with which we are concerned here, ethics concern the way in which that occupation is practiced, organised, managed and planned. Value-statements may draw on abstract or ideal notions but at the same time they necessarily carry with them implications for the way in which individuals act and the relationship between people as members of social groups.’

In a similar understanding of values in the professional context, Banks (2001) defines values as ‘the fundamental moral/ethical principles of social work’. This is the understanding of values that is used in this chapter.

The literature on social work values is informed by a number of philosophical positions. The first of these is Kantian philosophy, which emphasises the individual worker-service user relationship. Kantian ethics influences much of the early writing on social work and probation values (Banks 2001, Clark 2000). Biestek’s seven principles are a useful illustration of Kantian based social work ethics. These are:



1. 'Individualisation
2. Purposeful expression of feelings
3. Controlled emotional involvement
4. Acceptance
5. Non-judgemental attitude
6. User self-determination
7. Confidentiality' (Biestek 1961 cited in Banks 2001, pp26-27).

Banks (2001) has shown how these principles have influenced the codes of practice or codes of ethics drawn up by a variety of social work agencies over the years, including CCETSW in Paper 30 (CCETSW (1991) and the document that preceded it (CCETSW 1972).

More recently commentators have pointed out that Kantian ethics are an insufficient basis for social work practice because they do not take account of the public good, and have pointed to the ways in which utilitarian principles influence social work practice (Clark 2000). Utilitarianism is an act-based moral theory which takes account of the social consequences of actions in determining whether the outcome is good or bad (Lancaster 2003). Social workers and probation officers work in organisations framed by legislation and policy and must work in ways which adhere to those and promote the public good, as well as the individual self-determination of clients. Utilitarianism is proposed as enabling these issues to be taken account of (Banks 2001).

Anti-oppressive practice is a value base through which critics have taken issue with traditional social work values underpinned by Kantian and/or utilitarian principles. Both philosophies are seen as masculine and rationalist in essence because they are based upon a race and gender neutral, freely acting individual (Belenky et al. 1997). Traditional social work values are seen as failing to take account of the structural oppressions faced by women, black people, the disabled, lesbians and gays, and working class people (Corrigan and Leonard 1978, Dominelli 1988, Hart and Richardson 1981, Oliver 1990, Worrall 1992). Utilitarianism has been suggested by some commentators to share with anti-oppressive practice a focus upon social context (Banks 2001). However, it provides no analysis of power, which is a crucial element of an anti-oppressive value base. Nor does it incorporate any notion of commitment to change through political action, another key element in an anti-oppressive position.

In response to these criticisms, a number of value frameworks have been put forward which attempt to combine some of the traditional values with some of the anti-



oppressive or emancipatory principles. An example is CCETSW's 1991 training guidance, in the section for probation practice entitled 'values in context':

'Qualifying officers must be able to

- Demonstrate knowledge and understanding of ethical issues and dilemmas, including the potential for conflict between organisational, professional and individual values;
- Recognise the need for and seek to promote policies and demonstrate practices which are non-discriminatory and anti-oppressive;
- Demonstrate the capacity to manage the tension between the court, the offender, the Probation Service, the family and the wider community (CCETSW 1991, p39).

Gilligan's work on the ethic of care is not mentioned in the probation values debate, and did not until much more recently make much impact upon the wider social work values literature (Orme 2002). Commentators have not turned their attention to the analysis of virtue ethics in general or the ethic of care in particular as it relates to probation practice. I would suggest that 'anti-oppressive' frameworks encompass a contextual and relational approach to practice, in keeping with the ethic of care, which sets both client and worker in their full social context. They also encompass an acknowledgement of the conflicts that are likely to arise in promoting such values (Worrall 1992, p30). In an attempt to re-assert social work values within the criminal justice context, Williams (1992) edited a volume of contributions to the values debate by a range of well known probation practitioner-academics. They pledged a commitment to the following value base, which incorporates anti-oppressive practice:

- Opposition to custody
- Opposition to oppression and commitment to justice for offenders
- Clients' right to confidentiality – and to openness
- Valuing clients as unique and self-determined individuals
- Victims and potential victims of crime are protected
- Purposeful professional relationships can facilitate change in clients



In this formulation the prioritisation of the relationship between practitioner and client, and the emphasis upon the full social context of the client encourages a care rather than a justice approach to probation practice.

Incorporating anti-oppressive ideals into values statements or codes of practice has not been seen as sufficient to address the limitations of 'anti-racism' as a way of tackling structural racism. Critics suggest that the anti-racism policy approach fails to take account of structural inequalities or makes the mistake of conflating racial divisions with class divisions (Denney 1997). It has also been argued that anti-oppressive practice generally has contributed to managerialisation, adding to the development of a regulatory culture (Nellis 1995). Nellis goes on to assert: 'No discourse has in fact done more to legitimise a managerial culture in the Probation Service than that of anti-discriminatory practice' (Nellis 1995, p29). Dominelli (1996) has argued, however, that the incorporation of anti-oppressive practice ideas into managerialist frameworks has been an active attempt by organisations to control anti-oppressive practice and limit its effectiveness.

In what may be seen as an example of one of Foucault's rules of discourse, (Foucault, op. cit. Chapter Three), Nellis advocates strongly for probation to sever its link with traditional social work values because the changes in management practices and the demands upon the Probation Service have made it harder to express these; he argues therefore that 'a straightforward reaffirmation of the old values is not a serious option' (Nellis 2001a, p34). In place of traditional social work values Nellis proposes three key values which he suggests are more relevant to post-1991 probation practice. These are anti-custodialism, restorative justice and community safety. Anti-custodialism is about diversion of offenders from custody and has traditionally been one of the aims of probation practice (Williams 1992, Nellis 1995). Restorative justice is expressed by Nellis as being concerned with victim-offender mediation and neighbourhood dispute settlement schemes (Nellis 1995). Community safety takes the needs of victims further and addresses the high levels of anxiety community members now experience about crime. Nellis argues that if the Probation Service is to be anti-oppressive, it must take the crime-induced anxieties of the vulnerable (and the less vulnerable) seriously (Nellis 1995).

The values agenda was seized by New Labour when it published the 'National Probation Service Vision and Ethical Framework' which was set out in 'The New Choreography,' a strategy document for 2001-2004. The following statements were included which accord with Nellis' suggested value framework:



- ‘Victim awareness and empathy are central
- Paramountcy of public protection particularly where there are specific known victims of violent and sexually violent crimes
- Rehabilitation of offenders, working positively to achieved their restoration

However, some of the New Choreography’s other elements are a clear departure from any form of social work value base so far discussed, for example:

- ‘Law enforcement, taking positive steps to ensure compliance but where this fails, acting swiftly to instigate breach or recall proceedings; and
- Better quality services to that the public receive effective services at the best price’ (National Probation Service 2001, p8).

Here, a punitive mode of practice is presented as an ethical framework.

It appears that Nellis accurately assessed the political climate in putting forward a set of new probation values that, because they originate from within an understanding of justice, appear to accord with prevailing ethos. The way that Nellis presents his new probation values reinforces this idea because of his exhortation to probation practitioners to abandon their outdated perspective, implying that the framework he puts forward does not incorporate any of the old fashioned social work values. Critics have argued that anti-custodialism is a service aim rather than a value. While it is an aim that is accepted by most practitioners, it still needs to be underpinned by values. (Spencer 1995). Spencer suggests probation values are: ‘rehabilitation, reformation, hope for the individual, care for the person and an understanding the people have the capacity for change and growth’ (pp344-345). Spencer further argues that despite the success of the Probation Service in offender mediation schemes, the role of the Probation Service in administering community sentences does not allow a restorative approach to the task as a whole, making restorative justice unrealistic as a value for the Service. Finally he takes issue with community safety as a value for probation; he suggests that it is more appropriately viewed as an organisational strategy which he suggests is properly the role of the police.

Whilst I agree with Spencer’s view of anti-custodialism as an aim rather than a value, and share his concern about community safety as an appropriate value for probation practice because it tends toward polarisation of the needs of victims and offenders, I think that Nellis’s suggestion of restorative justice as a value for practice is



one worth a good deal more exploration. Restorative justice is an understanding of justice which has more in common with the ethic of care than the Rawlsian notion of justice that links with Kantian ethics; indeed, the key principles of restorative justice have been described by one commentator as ‘indistinguishable’ from the ethic of care (Urban Walker 2006). Urban Walker goes on to note rather wryly that the values embodied in restorative justice have been able to have such an impact upon the justice system in the US because, unlike the ethic of care, a link with feminism is not generally recognised.

### **Probation values: more recent developments**

Probation practice appears to be taking place in an increasingly punitive environment, and yet it remains fundamentally a practice which takes place through a relationship between one human being and another. It involves people meeting up, talking, identifying and dealing with the issues and problems in the offenders’ lives that contribute to their offending. The issue of values - how professional workers should treat those with whom they work remains pertinent and the discussion has continued in the literature.

The Human Rights Act has been put forward by several commentators as the basis of a positive approach to the kind of values which could underpin a humane and just form of probation practice within the risk society. Hudson (2001 p111) links this firmly to offenders’ rights and responsibilities as citizens and suggests that probation is ‘crucially and definitionally involved with offenders’ rights.’ However, she also notes the effect of the Human Rights Act upon probation practice in terms of members of the community who might seek redress against the Service for wrongs they feel they have suffered from offenders that the Service has not protected them from. This highlights a tension inherent in a legislative approach to rights, as competing rights have to be managed. Other commentators have acknowledged that the Human Rights Act is not in itself sufficient to infuse the kind of value base into professional practice that ensures every individual is treated with respect (Nellis and Gelsthorpe 2003).

NAPO has continued in its commitment to foster traditional social work values within a criminal justice setting and in its Practice Guide it stated its commitment to the following which incorporate some of the individualist, Kantian values, with the more relational, anti-oppressive and strengths-based values:



1. 'The integration of respect, support, guidance and the establishment of trust in working with individuals who commit offences and those who are the victims of crime;
2. Treating people fairly and openly according to their individual needs
3. Empowering people to make informed choice to increase control of and improve the quality of their lives in order to reduce the risk of harm to themselves and to others
4. Promoting equality, diversity, anti-discriminatory and anti-racist practice
5. Promoting the rights of both victims of crime and those who commit offences whilst recognising the competing rights of different sections of the community
6. Building on people's strengths to enable them to change' (NAPO 2000, p4).

Taking the debate forward at NAPO's Annual General Meeting in October 2005, NAPO invited Martin Wargeant, Chief Executive of the Association of Probation Boards, and Mike Nellis, Lecturer in Criminal Justice from the University of Birmingham to speak on the subject of values. Martin Wargeant put forward four values, the first three of which he acknowledged to Will Hutton from a speech given to the Probation Boards Association. Will Hutton's three values relate to what he has termed 'publicness' They are:

- Universality - the principle that public goods and services are available to all at the same level
- Equity – the principle that everyone must be treated alike including offenders
- Accountability – that we must have forms of accountability that are more than market requirements. Public services must be reliable, and sound and must be properly monitored using public participation (Wargeant 2005).

To these three, Wargeant adds one of his own:

- Integrity, which he says has two strands of meaning, one about wholeness and soundness, the other is simply about honesty.

These combine Kantian principles of equity and universality with notions of participation and integrity which clearly feature in Tronto's outline of the care perspective.



In his contribution, Nellis reaffirmed his commitment to the three values he put forward in 1995, anti-custodialism, community safety and restorative justice. He suggested to the audience that they need to consider that in defending their value base they need to recognise the modernisation of the Service and the mood of contemporary Britain. They should be prepared to ‘change their vocabulary so that it is attuned to public moods and intellectual currents, and ‘develop a language that allows you to participate – never sound willfully or inadvertently old-fashioned or nostalgic’ (Nellis 2005 p5). He seems to be suggesting that in order for their voices to be heard, practitioners need to employ the dominant narrative, and as he suggested in his earlier contributions to this debate, abandon traditional social work values. Yet just a few months before this, The Probation Boards Association published findings from a survey of public bodies whom they had asked: ‘What values should be at the heart of a service that deals with offenders in today’s society?’ The key words put forward by thirty two of the organisations surveyed included many of the traditional social work values and the following list shows: belief, care, citizenship, confidence, fairness, empowerment, anti-discriminatory practice, openness, dignity humanity, inclusion, integrity, understanding, justice, accountability, optimism, proportionality, reform, respect, self worth, decency, tolerance, sympathy trust and empathy. Empathy, always present in traditional social work value frameworks, was put forward by Nellis himself (Probation Boards Association, 2005). It would appear that social work values continue to have meaning for many practitioners and commentators although the political climate is less than favourable for putting them into practice. The issue of values will be revisited in Chapter Six where practitioners’ voices are presented, and in Chapter Seven which provides a discussion of the nature of practice as revealed by the various strands of analysis presented throughout the study. First, the final section of this chapter brings us up to date with the framework of probation practice.

### **The Legal framework of practice today**

New Labour’s first legislative enactments were statutes that had been developed by the outgoing Tory administration. Prefacing what was to become a strongly controlling emphasis in criminal justice policy, the first of these was the Crime (Sentences) Act 1997, which provided US-derived ‘two strikes’ mandatory sentences for second offences of burglary, drug dealing and certain sexual and violent offences (Worrall and Hoy 2005). In the same tranche of legislation was the Sex Offenders Act 1997, which introduced sex offender registration in which anyone convicted of or



cautioned for a sexual offence must register themselves and by 2003/4, 24, 572 individuals were registered. (Home Office 2004). The first piece of criminal justice legislation developed from its own white paper *No More Excuses* (Home Office 1997) and enacted by New Labour in 1998 was the Crime and Disorder Act. This focused chiefly upon youth justice in line with New Labour's pledge to control the disorderly behaviour of the young. The legislation had its inception in the previous administration. Its underpinning ideas come from the Audit Commission Report 'Misspent Youth' (1996) which relied upon research from the 'new administrative criminology' paradigm, side-stepping issues of causation such as poverty and deprivation and instead relying on research about issues deemed to contribute to young people being 'at risk' of delinquency (McLaughlin and Muncie 2000). The Crime and Disorder Act 1998 established the multi-disciplinary Youth Offending Teams of which probation officers are now a part, and severed finally the link between the rest of Probation Service and young offenders, who had hitherto been part of its clientele. With the introduction of Child Curfew Orders, Anti-Social Behaviour Orders and the abolition of *doli incapax* (the provision that required the prosecution to prove that a child between 10 and 14 was capable of understanding the seriousness of her behaviour), the Crime and Disorder Act had a net- widening effect, because it ensured earlier intervention in the lives of young people who offend or are at risk of offending. The Crime and Disorder Act also introduced Drug Treatment and Testing Orders, which added to the range of community sentences administered by the Probation Service. Following only a year later, The Youth Justice and Criminal Evidence Act 1999 brought a restorative justice approach to dealing with young offenders with the introduction of Referral Orders in which first offenders are dealt with by a Youth Offender Panel made up of at least one Youth Offending Team member and two members of the local community. The Panel then produces a contract of activity for the young person designed to reduce or prevent them from reoffending (Crawford and Newburn 2003).

The restorative provisions for young offenders are not reflected in legislation relating to adult offenders. An early Green Paper 'Joining Forces to Protect the Public: Prisons-Probation Review' (Home Office 1998), set out the new Government's intention to move the Probation Service further along the road of being a punishing rather than a rehabilitative agency. In what may be seen as a direct attempt to influence the discursive structures which make objects and events part of reality, the document sets out the changes in language that are needed:



‘It is important that the names, language and terminology used by the Services should give accurate and accessible messages about the nature and aims of their work. Some of the terms used have been criticised, for example because:

- they are associated with tolerance of crime (e.g. "probation" which can be seen as a conditional reprieve), or
- they can be misunderstood (e.g. "community service" which sounds like voluntary activity), or
- they are too esoteric to be understood outside the two services (e.g. "throughcare" which sounds more associated with the "caring" services) (Home Office 1998, para 2.12).

Any notions of voluntarism or care are clearly eschewed here, in favour of a tougher stance. The same paper went on to consider renaming the Service, and it narrowly missed being renamed the ‘Community Punishment and Rehabilitation Service’, becoming instead the ‘National Probation Service’ in 2001 under provisions of the Criminal Justice and Court Services Act 2000. The National Probation Service comprises 42 areas, reducing the 54 autonomous Probation Services that previously existed. The Criminal Justice and Court Services Act did remove the term ‘probation order’, probably the best known community sentence, and replaced it with the ‘community rehabilitation order’. At the same time ‘community service’ became ‘community punishment’ and the ‘combination order’ became the ‘community punishment and rehabilitation order’. The Drug Treatment and Testing Orders remained as before, as did the Curfew Order and the Suspended Supervision Order. Probation’s risk assessment and management role was significantly strengthened in the Criminal Justice and Court Sentences Act by the introduction of Multi-Agency Public Protection Arrangements (MAPPA), implemented in April 2001, in which the Service works with all other relevant agencies including notably the police and social services, in the assessment and management of sexual and violent offenders who are still considered dangerous upon release from prison. The protection of victims by the Probation Service becomes a statutory duty under this Act. Two new community sentences are enacted by The Criminal Justice and Court Services Act; these are exclusion orders which prevent an offender from entering a certain area for a period of up to 12 months, and drug abstinence orders which is an attempt to control the behaviour of non-dependent Class A drug users (Worrall and Hoy 2005).

The Prisons-Probation Review had referred to, but did not actively propose, the idea of merging the Probation Service and HM Prisons, but the idea was stalled by



widespread opposition from key policy players. As we shall see below, it was to be a brief hesitation (Nellis 2004).

In its second term of office New Labour began the process of reviewing the working of the criminal justice system. There were three separate reports covering different aspects. The Auld Report (2001) looked at the courts with a view to the improvement of efficiency. The Social Exclusion Unit (2002) produced a report identifying nine measures of social exclusion that must be taken into account in understanding re-offending by ex-offenders. These were: education; employment; drug and alcohol misuse; mental and physical health; attitudes and self-control; institutionalisation and life-skills; housing; financial support and debt and family networks. The Halliday Report (Home Office 2001), considered sentencing powers. Halliday signalled some dissatisfaction on the part of the Government with the deserts-based framework which had pertained since the 1991 Act, and suggested reforms based on elements of both desert and utilitarian theory, so that ‘In most cases, the sentence would be viewed as an appropriate punitive ‘envelope’ within which the goals of crime reduction *and reparation* would be pursued (Home Office 2001, p20, emphasis added). In a proposal which harks back to an earlier consultation document *Strengthening Punishment in the Community* (Home Office 1995b) Halliday suggested the introduction of a single community sentence, from which sentencers would be able to choose a range of options, encompassing all of the current, separately named community sentences and some of their requirements. In a move which contradicted the apparent re-emphasis upon rehabilitation, Halliday also proposed ‘seamless sentences’ incorporating mixes of short periods in custody with longer elements of supervision in the community. The findings from all three of these reviews, with some amendments and omissions, were brought together in the white paper *Justice for All* (Home Office 2002b) and these were enacted by the Criminal Justice Act 2003, implemented in April 2005. Judicial discretion is limited by the provision of a Sentencing Guidelines Council which must promote consistency and cost-effectiveness in sentencing. Halliday’s single Community Order is enacted and under it offenders may now be sentenced to one or more of the following requirements:

- ‘Unpaid work – a set number of hours of work performed for the benefit of the community
- Activity – including community drug centre attendance, education and basic skills or reparation to victims



- Programme – a group or individual programme to address behaviour such as general offending, violence, sex offending, drug or alcohol abuse, domestic violence and drink impaired driving
- Prohibited activity – a ban on an activity such as entering a public house or attendance a football match
- Curfew – supported by electronic monitoring (tagging)
- Exclusion – a ban from entering a specified place or places for up to two years
- Residence – residing at the place specified, either an approved hostel or private address
- Mental health treatment – under the direction of a doctor or psychologist
- Drug rehabilitation – aimed at reducing or eliminating dependency on drugs
- Alcohol treatment – aimed at reducing or eliminating dependency on alcohol
- Supervision – attending regular appointments with a probation officer who will undertake work with the offender to change attitudes and behaviour
- Attendance centre – for 18-24 year olds’ (HMSO 2002, p93).

Halliday’s seamless sentences now termed ‘intermediate sanctions’ are also included in the 2003 Act as intermittent custody and suspended custodial sentences. These provisions have led some commentators to predict net-widening effects, because although the act does restrict judicial discretion through the provision of the Sentencing Council, its powers are not considered strong enough. In addition, the complexity of requirements offenders are likely to have to meet under these provisions is very likely to result in breach. This in turn will result in imprisonment, particularly in the case of the suspended sentence which has a strong presumption of immediate imprisonment following failure to comply (Tonry 2004).

The clear division between the restorative justice elements that apply to young offenders under the Youth Justice and Criminal Evidence Act 1999 and the limits of the restorative approach to adult offenders may be seen in the language of *Justice for All*, which tells us that it’s ‘single clear priority is to balance the criminal justice system in favour of the victim’ (Home Office 2002a, p14). This style of rhetoric, which is not often found in Government white papers, encapsulates a tabloid- press style hostility to offenders. Going on to suggest that ‘many victims feel that the rights of offenders take precedence over theirs’ (2002a, p37), the paper embodies sentiments which are at odds with the principles of restorative justice in which both victim and offender are seen as



equal stakeholders in the process of putting right the wrong caused by an offence. Later the white paper goes on to support restorative justice schemes, but within a somewhat restricted definition. It says there will be an expansion:

‘...in the use of restorative justice schemes, where the offenders can meet with victims (should the victim wish to), community representatives and others to resolve how to deal with the aftermath of the offence and implications for the future. These can help the victim convey to the offender the consequences of their crime and influence the reparation which the offender makes for that crime’ (p39).

The element of reintegration of the offender, which is a key aim of restorative justice, is not mentioned. Later, the introduction of conditional cautioning in which the offender is not only cautioned, but agrees to take part in some form of reparation scheme, is mentioned, and the Probation Service is suggested as being closely involved in the ‘form and control’ of the conditional caution. The stress here is upon ‘ensuring that the offender actually honours their undertaking to make reparations to the victim’ with no mention of reintegration of the offender (p71). In a chapter entitled *Enhancing the Public’s Engagement*, the white paper devotes a number of paragraphs to restorative justice and stresses that it plans to increase the number of schemes further to the 45 already set up by the Youth Justice Board, because ‘restorative justice schemes have the potential to offer constructive, community-based responses to crime’ (p 124). However, at no point is there a reference to the reintegration of offenders through restorative justice schemes. Restorative justice in this formulation is a limited version of the full concept, which is surprising because the commonly accepted understanding of restorative justice which regards all parties to the offence as equal stakeholders can be found in other Home Office documents (eg Marshall 1999, Shapland et al. 2004). It appears that *Justice for All* envisages a limited role for the Probation Service in restorative justice schemes, whilst its central aims remain those of an enforcement agency. The Probation Service is described as:

An enforcement service that protects the public and reduces reoffending by ensuring proper supervision and punishment of offenders in the community. It also ensures that offenders are aware of the effects of crime, rehabilitates offenders and advises the court on suitable sentences for offenders’ (p7).

The comprehensive nature of sentencing reform proposed by *Justice for All* led to the decision to review its implications for the organisational structure of the criminal justice system. This led to a further review, *The Correctional Services Review*, resulting



in the *Carter Report*, which resurrected the idea rejected in 1998, of the Prisons and Probation Services forming one organisation. The result was the creation of the National Offender Management Service (NOMS) in 2004, in which the National Probation Service, which had existed for only 1,000 days, and H M Prison Service were subsumed under one director (Nellis 2004). NOMS provides a range of services for offenders both in custody and in the community and aims to give ‘end-to-end offender management’ whether the offender is in custody or in the community. Carter also signalled his approval for US-style purchaser-provider division in the provision of services for the management of offenders, with a strong endorsement of the voluntary sector (Nellis 2004).

The most recent statistics available show that the National Probation Service was supervising a total of 224,090 offenders at the end of December 2005. Community sentences accounted for 137,380 of offenders supervised and 75% of these offenders were the subject of the new Criminal Justice Act 2003 community orders. The remaining 86,710 were being supervised as part of a prison sentence, parole or licence conditions. Despite the fact that those subject to probation supervision had increased (10% more people started community orders in England and Wales in the fourth quarter of 2005, than in the fourth quarter of 2004), the prison population has also continued to rise and in August 2006 had reached 76,035, causing the Government to announce that it was considering releasing all low risk offenders currently in custody 10 days early. The UK has a higher prison than any other country in Europe, and worryingly, imprisons more women and more young people than any of our European partners (<http://www.howardleague.org/index.php?id=overcrowding>).

This very high prison population bears out Hudson’s predictions of 1993, but the latest strategy document produced by the Home Office makes it clear that there is to be no change in this policy:

‘There will continue to be increasingly tough and efficient enforcement, and offenders who are not prepared to make the effort and who do not keep to the conditions of their community sentences will have extra conditions added or will end up in prison’ (Home Office 2006a, p19).

The percentage of probation orders (now community rehabilitation orders) terminated for failure to comply was stable at 2% for many years (Worrall and Hoy 2005) but has crept up since the early 1990s, to 4% in 1995 and 8% in 2005 (Home Office 2006b). The lesson from the USA is that this kind of approach to the



enforcement of community penalties and prison licences contributes substantially to the increase in the prison population (Clear 2005). There is worrying evidence from the Prison Reform Trust that the same thing is indeed starting to occur in this country, with a three-fold increase in the number of prisoners recalled to prison for breach of licence in the last five years (Solomon 2005), adding weight to Tonry's concerns.

The emphasis upon the relationship between the Service user and probation officer which was formerly the basis of supervision, has been lost. It is replaced with an approach which emphasizes enforcement of unwilling offenders. This may be seen in the language used in the NOMS *Offender Management Model* indicates the assumptions of lack of co-operation made about offenders by NOMS officials:

'Supervision is the term used by the model to describe the sequence of day-to-day, face-to-face tasks and activities which will be required in most cases to secure compliance, generate the motivation to co-operate, and achieve cohesion of the plan. Most offenders will not co-operate actively with their Sentence Plan simply because one exists. This is true whether the offender is in custody or in the community' (NOMS Offender Management Workstream Team 2005, p8).

There is an avoidance of words such as 'relationship', 'person' or 'negotiation' which would identify the 'offender' and the worker as thinking, feeling human beings and the work between them as an exchange of ideas, values, or expertise.

Marketisation has developed apace within NOMS, and by early 2007 it had developed a commissioning system so that services can be contracted out and NOMS can make decisions about which agencies, whether parts of the public or private sector, are most suitable for what is termed the reduction of reoffending. In March 2007, MPs voted in favour of passing the Offender Management Bill, which will enable the commissioning process so that the public, private and voluntary sectors will play a part in providing services for reduction of offending.

## **Chapter summary**

This chapter has charted the development of a mode of probation practice which has been termed 'punitive managerialism'. The principles of managerialisation and marketisation, in which the public sector is organised and managed as though it is a private business, dominate. The environment of practice has become one of control, accountability and loss of autonomy for practitioners. There is a focus upon evidenced based practice which in the probation setting has led to the predominance of cognitive



behavioural methodology. Practice is prescribed by a curriculum of approved programmes, with a pressure to provide the certainty of measurable outcomes.

As we leave the discussion, the Probation Service is on the brink of at least partial privatisation. Probation practice (whether it is called social work or corrections) is a practice that continues to straddle the space between punishment and care. How we care and how we punish are both practices that have a great deal to say about society (Tronto 1993, Hudson 1987). The debate about probation values demonstrates the continuing importance given to developing ethical practice with offenders by practitioners from many aspects of criminal justice. The task of the next chapter is to analyse, considering the context of practice we have set out here, and the theoretical concepts of *discourse* and *the ethic of care*, the interview data from the 15 practitioners who have been working for the Probation Service during the period of transition from the *clinical mode* to the *punitive managerialist mode* of practice. The analysis explores the impact of the changing practice environment upon the practitioners in a way which demonstrates the particular form of subjectivity developed by participants. It then returns to the discussion of values by considering the nature of practice as it is reflected within the voices of practitioners.



## Chapter Six

### Voices from Practice

#### Introduction

This chapter presents in two parts the empirical data derived from the fifteen interviews with experienced probation practitioners. Its aim is to explore the impact of the changing Probation Service upon these participants, all of whom trained in the ‘clinical mode’ of practice, but are now working within the ‘punitive managerialist’ mode. The chapter analyses the empirical data drawing on the author’s own practice experience, the policy context set out in Chapters Four and Five, and the theoretical concepts outlined in Chapter Three.

#### Part One: Discourses

##### Criminal justice practice

Participants demonstrate throughout the interviews their confidence in and familiarity with what I have termed a ‘criminal justice practice’ discourse. The interviews are laced with terminology and jargon that can only be understood by fellow probation officers or members of closely related professions such as lawyers or police officers. Some examples:

Jenny, talking about pre-sentence reports:

*And that is where PO’s [probation officers] go to as a basis for their work with clients, not to eOASYS [A recently developed assessment tool]. And a good report [pre-sentence report] is worth a tremendous amount. And I can live with the template, I found it frustrating at first, but I think a good PSR [pre-sentence report] writer can work around the template [a template developed by the Home Office to structure the format of pre-sentence reports], but I feel it is the one area that causes an overload of work, and it’s the area that causes stress because there aren’t enough people to write reports, so people then have to give up their casework in order to do them. I feel this is an area that the Service hasn’t got to grips with, they are neglecting it.*

It is clear from the outset that they include me, the interviewer, as a participant in this discourse because at no time do they offer any explanation of terms they use. This shared framework of meanings gives us, as a group of quite specialised professionals, privileged access to a shared knowledge base in comparison to outsiders or newcomers. The terminology, much of which is jargonised or abbreviated can only be understood by fellow professionals, giving members the power of expert knowledge which is exercised



by every group of professionals (Foucault 1972/1989). The exchange below shows that after only a very short absence from full time membership of the profession, I fell short of the assumption of shared understanding on at least one occasion:

Sarah:

*But what they have brought on stream now - and I haven't seen anybody go through it yet so I don't know if its any good - is ASRO, but the idea is now that anybody whose offending is more around the misuse of drugs or alcohol we put them on that instead. For me that will be quite interesting to see if that has any effect. [What is ASRO?] 'Addressing Substance Related Offending'.*

Much of what is said is expressed in jargon like 'CRO' and 'stipe', and short-hand phrases like 'in drink' and 'not much previous.' This jargon embodies the well established practices and norms of the criminal justice system which take as read the power inherent therein. This is demonstrated in the following excerpt from my interview with Hamish, when he is talking about lack of feedback from court:

*'We get feedback only very occasionally from court, especially the stipendiary, and that can be frustrating, because if it's a negative comment, it would be great to be able to explain your proposal, but we never get the opportunity now. I had one recently, where this lad had been involved in a town centre incident during the day, ended up assaulting a PC, connected with drink, admitted he'd got a drink problem, he was in work, not much previous, so I proposed a CRO on the basis that it would tackle his drinking as this would give him the opportunity to do it. The stipendiary criticised the report for not addressing custody, and went on to give him a curfew order. But the curfew was for the night time whereas the offence was committed during the day, and also this lad's issue which was alcohol abuse, was not going to be addressed, so I find that a bit baffling, and I would like the opportunity to talk to the stipe and say, why have you done this, making a curfew order for these times, when the offence didn't happen then'.*

To illustrate criminal justice discourse Hamish is using, the following is a 'plain English' version which should be understandable to the lay person:

*'We get feedback only very occasionally from the magistrates court, especially the senior, legally qualified magistrate, (known as a 'stipendiary magistrate'), and that can be frustrating, because if it's a negative comment, it would be great to be able to explain to the court why you have suggested that the court gives the offender a specific kind of sentence, but we never get the opportunity now. I had one recently, where this lad had been involved in a disturbance which took place in the centre of town during the day, and ended up, whilst he was drunk, hitting a police constable. [He] admitted he'd got a problem with drinking alcohol. [The*



*lad did] have a job, and has not been in trouble with the police very often before, so I proposed a Community Rehabilitation Order (the court order which used to be known as a Probation Order) on the basis that the Probation Service would undertake some work with him to try to help him to control his alcohol intake and the behaviour resulting from it.. The stipendiary magistrate criticised the report for not telling the court why the person should not be sent to prison, and went on to give him a Curfew Order (an order which confines the offender to his home during certain prescribed hours for a prescribed period). But the time he was to be indoors was the night time whereas the offence was committed during the day, and also this lad's issue which was drinking too much alcohol and behaving badly as a result,, was not going to be dealt with, so I find that a bit baffling, and I would like the opportunity to talk to the Stipendiary Magistrate and say, why have you done this, making a Curfew Order for the person to stay indoors at these times, when the offence didn't happen then'.*

The extent to which I have had to modify this excerpt to make it intelligible to the lay person, highlights the fact that those who are *excluded* from the criminal justice discourse include the defendant whose sentence is being decided on the basis of the report to which this excerpt refers. In addition, the power of the officer to make the recommendation (even if in this case it was not accepted) and the power of the court to sentence the defendant are taken as read by criminal justice professionals who have legitimate power in this situation, and as a shared assumption between Hamish and myself as two members of the profession. The plain English translation was an interesting exercise for me, because so steeped am I in criminal justice discourse that I kept identifying new short-hand terms and items of jargon at each successive reading. This reminds me that on a day-to-day basis, professionals can become very complacent about the degree of power exercised within professional discourse that excludes the uninitiated. The power that is inextricably linked with this professional discourse is also productive, in that it enables the probation officer to be heard by the court and to attempt at least to influence the decision of the court. What Hamish laments is the loss of the dialogue between probation officers and magistrates that helped maintain the legitimacy of officers' power to speak in the court. There is a breaking down of the established rules of discourse.

James employs the specialist discourse involved in custodial sentences, which again, he knows I will understand, and the power attendant upon his involvement in the process also rests as a shared understanding in our encounter. His competence with the jargon used within the context of custodial sentences facilitates and legitimates James'



ability to provide parole reports which will have a significant influence upon the subject of the report's chance of parole.

*'I work with people serving prison sentences and when they come out on licences. A high proportion are doing long sentences, I seem to have a lot of heavy end offenders at the moment. So it's about managing those cases I guess and supervising them when they're on licence. I'm not sure really but I think it's a case management role. [And is it a lot of reports, a lot of prison visits – what does it mainly involve?] Don't do many PSRs, do a fair number of parole reports and a fair number of lifer reports. Quite a lot of planning for release and looking at release plans and licence conditions, and a fair number of prison visits.'*

## **Managerialism and control**

Throughout the interviews, the discourse of managerialism is evident, and in a similar way to the criminal justice discourse, my understanding of the terminology such as *monitoring* and *targets* is taken as read, as here, when I ask Peter about how he gets feedback on his work:

*'Then management takes a chunk of reports for monitoring and then send them back to you.'*

Similarly, Michael when asked about feedback says:

*'Well that's just about whether I've met some fairly mundane targets in terms of recommending some group work programmes, getting work in on time, and whether I've been sick or not.'*

Participants are very much aware that their job in today's Probation Service is very much about the assessing risk, and the control of offenders, and some participants think this has gone too far:

*Ahmad: 'The obvious thing is enforcement, enforcement, enforcement. And the danger is that this is at the expense of the social work basis of why we do what we do. The other bit is effective/evidence-based practice. These are the major changes. When I started we were still social workers working with offenders and that is still how I see myself, getting alongside the person and getting them to shift, and I suppose the bit about getting alongside took us out into the community in some ways, and we have moved a long way from that and we are an enforcement agency, a public protection agency, and the danger is then to lose from the social work interview the bit about rehabilitation.'*



Peter believes that the move towards control is against what sentencers want - the judiciary continue to see probation's role as providing reports that address welfare issues:

*'Within the Service it is so much more authoritarian. When I started what I did with a case was entirely down to me. Obviously from time to time I had to justify what I was doing, but now it's got to where everything is prescribed - we are about to move on to tick box reports – that is the next step that's coming through. The theory is that we should use our skills for more serious offenders, well that's fine but magistrates and judges, they put the pre-sentence reports out – they know the really serious offenders seldom appear in court. The majority of reports they put out are for welfare issues.'*

Angus links what he calls 'control freakery' to the loss of social work values in the work:

*'Something fundamental has gone and it is to do with a meaningful value base. Bill McWilliams<sup>2</sup> wrote about these things and I did my dissertation on it. There has been a loss of humanism – that has gone. As it happens we're not locking people up and shooting them but there is nothing intrinsic that is anchoring it to a more ethical position, it has become about technique which is an end in itself, and about bureaucratisation. This is about central Government control freakery.'*

Two participants discuss the more controlling role probation has now positively:

Anila, when talking about the skills of a probation officer, adds:

*'But not to collude, but that's something you have to build up, it comes with experience, you have to remember our job is about protecting the public'*

Marie believes it is more honest to be open about this aspect of the role:

*'Well really I feel more honest about the job now in that yes I want someone to live happily within society's rules, but my concern is for a safe as well as happy society. I always thought that as a service we pretended to be a caring service, but my bottom line was that I wanted people to live within society's rules and be happy doing so, and I think the Service is more honest now because they are required to reflect more on what's good for society, and there are controls, that sort of thing, so it's more honest now.'*

Participants are also aware that the control is not uni-directional from probation officers to offenders, but is also exercised by the Home Office and management toward officers, as here when Frank talks about the content of supervision:

---

<sup>2</sup> He refers here I think to McWilliams quartet of articles (1983, 1985, 1986, 1987).



*'It's more about the Service hitting the targets its expected to reach, the KPI's and all that, not like it used to be when we used to spend time talking about cases.'*

James expresses here a view that concurs with Lupton's (1992) suggestion that standardizing performance measures prioritises quantitative and actuarial data at the expense of qualitative information about the detail of the work.

*'And well . . . it's not proper casework supervision. [So it's not about what is happening with the clients and what you are doing and what impact that is having, that is not part of it? Is it about numbers then?] It's about targets, national standards, all those things, defensiveness, making defensible decisions, again this may be slightly over-stating things but I don't think the Service is interested in the content of what we are doing.'*

and Maureen who finds her supervision 'quite good' nevertheless comments:

*'Again, it's service led, my senior needs all the information for him to tick all the boxes that management require, and again appraisal is based upon service led targets such as keeping to National Standards.'*

Risk assessment is clearly assumed as a legitimate task for participants, but the purpose of it is viewed rather cynically, and as Oldfield (1994) suggests, professionals are alienated from organisational goals.

Angus expresses this view strongly:

*'Even risk assessment is about back-covering and complying with procedures unless something goes wrong and then it is done retrospectively. It's all about 'timeliness' and adhering to deadlines. You have to work in a timely fashion. I've never missed a court deadline but keep getting pulled up about internal deadlines like KPIs (Key performance indicators).'*

Marie emphasises the loss of autonomy for her and how this impacts on clients by using a striking metaphor:

*'When I say loss of autonomy, I don't mind being held to account for what I've done, but not being able to treat people as individuals and having to shove people through a sausage machine, when perhaps a more individual contract would be better. National standards – people don't fit into pigeon holes – they don't fit in anywhere else, why are they going to fit in here.'*

Mark expresses his frustration that the rules about enforcement of orders have changed in a rather cynical way to achieve adherence to a new Key Performance Indicator. When officers tried to exercise discretion about enforcement in a way that in their professional judgement supported individuals to comply with their orders, this was not allowed, but



now when it is seen as an easier target, a similar approach becomes a new Key Performance Indicator, compliance, and officers are *instructed* to exercise discretion.

He comments:

*'Of course, it's a lot better, but how frustrating and annoying that you have a booklet this thick that's got 'enforcement, enforcement, enforcement' written on the front of it; you have a massive meeting about, you know, you've got to breach if they're 10 minutes late. I mean, OK, not many of us have actually complied with that, quite a lot of us have decided it's worth battling on, to try to use a bit of discretion to try to motivate people, but we've had to argue this thing with people, and we've been seen as soft, and now, suddenly, you get an e-mail from your manager saying 'we need to use discretion and flexibility in order to motivate people' and this suddenly becomes OK, and there's a new target which is compliance. Of course we're still got to enforce people and get a court date within 10 days. [laughs]. These are the things I find stressful; we're just not in the real world any more.'*

Two participants feel they are out of control because of the volume and unpredictability of the work:

*Kate: 'Well yes, it's quite interesting, but then its got lots of frustrations as well, because you never feel as if you are in control of anything in particular, things come at you from all angles, and you might get involved in a case for a short period of time, and then somebody else is involved, and it really is very, very bitty. But it is interesting, and if only there were time to do it properly, time to concentrate on the mentoring and training, and even if more time could be spent with offenders, that wouldn't be a bad thing either.'*

*Frank: 'The thing I notice about this job is that a lot of what you did, it was demanding, and there was pressure, but now, there is such a lot of our work that we have absolutely no control over about how much we get and when we get it. Like next week, seven clients are being released, so there are seven eOASYS forms to do, and during that time, two of your clients might offend, and you have no control over it.'*

The control over the way officers must now carry out their risk assessments is a common source of frustration for participants. They must now use the Home Office OASYS framework, a lengthy and detailed risk assessment document which is completed either on line (eOASYS) or on paper. Some of the criticisms here echo the drawbacks of OASYS identified by probation officers in Mair et al.'s (2006) study.

Jenny expresses anger about this way of carrying out assessments:

*[And are you doing eOASYS?] Yes, and I hate it with a vengeance. I think it's appalling, it's time consuming, and it doesn't serve its purpose of*



*assessing risk. I haven't come across an officer who uses it for assessing risk, the object of the exercise is to get it done, not to actually value what its telling you because its so cumbersome and it breaks down; the machinery doesn't work and you're constantly on the phone to IT. You miss targets, so I might need to do a supervision plan by a particular day, and then it crashes, it might be that before I can get back to IT to get the problem solved I am four or five days late but the date that the actual document looks as though it has been completed on is four to five days late, which may be out of synch for targets, but that's not my fault. If I've set off doing it well in advance to reach targets, and the tool I have to work with is faulty, basically, it's tough.'*

The lack of utility of OASYS in helping them with their risk assessments is another aspect of it that participants comment upon. Frank regards it as containing too much extraneous data, and feels that his conversation with the offender is far more useful. He expresses a view that others also shared, that there might be another use for the data which is collected via eOASYS:

*[Once you've filled it all in, does it help you with your assessment, do you find it helpful?] Well I hate to appear too negative, but I'd have to say no, I don't, and what I would say about that is the same as I felt about the ACE, and then the paper OASYS, and that is this, as the caseworker, I am the person who is putting that information in, so obviously I already know all that, and in the sense that I know that, well, I have a conversation with the offender, and then establish what the issues are and what we are going to do about them, and then I fill in the form. I don't do the form and then think 'having done all that I know what I'm going to be doing.' So, you have to go through all these pages, when you already know what you are going to do. It reminds me of something when I worked in organisation and methods, which is like systems engineering. A guy I worked with said to me, 'the trouble with this organisation is that we're trying to fit a square pin into a round hole, and if it doesn't fit, they just batter it until it fits, and when I'm doing this eOASYS I keep thinking about that. The risk assessment bit of it may be OK, and you can separate that out, but all the stuff that goes into the rest of it, I just don't think we need it. Well I guess it is also about collecting data for whoever, and I assume, that when we did the eOASYS training, and someone asked one of the trainers that, and he admitted that this was the case, and then I thought maybe it is about funding, but honestly it is not a useful tool.'*

## **Professionalism**

Participants employ a discourse that I have termed 'professionalism', using language reflecting the three common denominators that Friedson (1994) has suggested are found in professional activities – expertise, credentialism and autonomy. The terms expertise and autonomy are used directly, and credentialism, which Friedson elaborates



as professional competence based on qualifications is alluded to indirectly when participants talk about their ongoing training and developmental needs. As noted in Chapter Four, the discretion of probation officers has been curtailed with each successive set of National Standards since the first set were introduced in 1991. This loss of autonomy is expressed here by Michael:

*'What annoys me is that in so many cases where I used to be able to take decisions myself, I have to take them to a senior, so there is contact with them about whether people not turning up is acceptable or unacceptable, or if I haven't proposed a group work course in a pre-sentence report, I have to get them to endorse that, and if I haven't done a full risk assessment on somebody in eOASYS I have to send that to be approved by the senior officer who says yes or no. A lot of issues like that, where I suppose I'd always assumed that we were paid to take those decisions, and by and large I think we did make them largely responsibly in the past; the new systems hinder risk assessment rather than helping it.'*

As Howe (1991) has noted, the professional's discretion in these areas has been limited as it has increasingly passed to their managers. Angus here alludes to the loss of clinical judgement in risk assessments when they are carried out using a strictly defined protocol. The 'grey areas' he refers to are the parts of the assessment that the probation officer would usually have made by using his or her professional knowledge and skill:

*'The eOASYS is technically inefficient and the professional task part of it is minimal. There is quite a lot to take issue with in terms of how we do risk assessments, and some aspects are positively dangerous because they push you into a category which should be a grey area. This is the problem with a system which puts you into a mould – it means there is lack of trust in professional judgement so they are trying to get as much control as possible over decision making but people have to survive because they have to work within the system.'*

This supports Raine and Wilson's (1993) finding that the increasing prioritisation of standardised, actuarial data devalues professional judgement. Later in his remarks about OASYS, Angus goes on to express his disquiet about the deprofessionalisation that Dominelli (1996) has suggested results from breaking down the work into narrowly defined tasks:

*'I think it is about gathering statistics and is used as an instrument for deprofessionalising the Probation Service and removing any remaining discretion officers once had.'*

When asked about training, Angus returns to this point again:



*'There is no culture of encouraging professional development, no valuing of expertise and experience.'*

The process of managerialisation within the Probation Service has led to a move away from individual officers working on a one-to-one basis with individual clients. Instead there is a case management system in which the assessment and management of cases is carried out by one group of staff, usually probation officer grades, and the direct service provision is carried out by another group, usually unqualified staff. Within this framework, little interest is taken about the content of work with individual clients (Eadie 2000). Kate, who works as a probation officer in a unit where she assesses cases and manages the work of her Probation Service Officer colleagues points out the lack of interest in her professional expertise with service users in the supervision of her work:

*'I have had two different Senior Probation Officers since I've been in the unit, and I have to say that supervision is usually about unit business, it's not about me and how I'm doing my job, it's what is happening in the unit, what can we do about this, or that, you know the only way I can really describe it is that its team or unit business, not about me or how I'm doing. [And is that satisfactory?] Well no not really.'*

She goes on to say how she experiences the loss of autonomy as a lack of trust:

*'What I don't feel very comfortable with is the role prescribed by others for probation officers these days, the lack of trust. It's quite easy to start feeling deskilled, when people start telling you how to write what they call sentences in a pre-sentence report, or in what order to write things, it's quite easy to feel, on a bad day, not valued.'*

This feeling is echoed by Marie:

*'Everyone is different, and everybody's rates of offending are different. I'd see people two or three times a week if they were in a particularly troublesome... had a lot of problems. But now there is all this clocking in and not seeing the same officer twice. [So you feel you are not in sufficient touch with the people?] No it's not that, it's that they don't trust me to do anything and tell me, 'you have to get this signed by a senior.'*

The participants' experiences support the view that from the 1990s onwards the boundary between probation officers and their managers as changed (Eadie 2000). As the different grades within a profession are likely to hold different views on what counts as good practice and how professional knowledge should be applied, there develops a gap between what practitioners and managers perceive as good practice and



practitioners ‘find themselves working in a world which has boundaries and outlooks not of their making.’ (Howe 1991, p209). This is summed up by Hamish when he says:

*‘I think the gulf between management and the main grade is greater – management are increasingly divorced from what we do.’*

## **Discourse as Power**

### **i Discipline**

Power operates in a diffuse way through discourse, and prevailing forms of subjectivity are produced through the self disciplining practices of individuals. Individuals interiorise the prevailing norms (Foucault, op. cit. Chapter Three). I have looked at participants’ accounts to try to identify these self disciplining practices, and conversely have sought to identify processes of resistance, which for Foucault are always present, meaning that discourses are unstable, and there are always opportunities opening up for new, alternative accounts.

We have seen in the previous section how critical participants are about OASYS, the new and complex system of assessment they must now use. Their critique of it does not prevent them from feeling constrained to try to complete it. Mark here suggests that he makes the assessment and then puts it into the OASYS form:

*‘Well it’s all fine and dandy isn’t it but I’m not really going to use it to make the assessment.’*

and later when he is discussing part of the job he still enjoys, he remarks:

*‘There are some bits that I enjoy. I still enjoy interviewing people for pre-sentence reports - if I can manage to do that without worrying that I haven’t asked a question that relates to a specific box on the eOASYS form.’*

Michael, when asked about confidence in his skills as a probation officer, says that he feels ‘*Pretty confident*’, but adds:

*I feel there is a kind of erosion, which I think I may have mentioned earlier, in terms of energy, because by being required to have to make certain administrative tasks, like eOASYS, a priority. It feels I have little time to sit and think about some of the more challenging people I have to work with.*

These remarks suggest a tension for the participants between trying to achieve the newer goals the Service has set, despite their personal reservations, and attempting to continue to engage in what participants value as good practice. Participants are not



convinced that key performance indicators about how quickly cases are brought back to court, or how many offenders they refer to group programmes for example, are a reliable indicator of good practice. Further, as disciplined professionals they feel obliged to try to meet such targets which at the same time distract them from giving time to building relationships with their clients. There have arguably always been tensions like this between personal and service values and aims, but it appears that the aims of the Service in this punitive managerialist mode have diverged from practitioners' values in a way that causes the uneasiness expressed here.

Protection of the public is the dominant narrative of today's Probation Service. Participants express some critical views about this during parts of the interviews, but here, Jenny demonstrates her (and another colleague to whom she refers) *interiorisation* of this service aim:

*'But I always remember a probation officer saying to me that a senior challenged her, saying we have to challenge people's offending behaviour... But this person was offended by the senior implying now we challenge offending behaviour. And she said, 'But we do do that! I've been doing it my whole career!' And I thought that's right, just because we don't do it in the same way, doesn't mean we weren't challenging, or being concerned about risk to the public, or risk to children, or vulnerability or those issues, and it think its probably patronising that it's not recognised. We've always done it, just in a different format.'*

In my conversation with Mark he describes a bewildering array of assessments and introductory appointments he needs to make for each new client as they begin their Community Rehabilitation Order. When I asked him about clients' response to all these assessments, Mark's answer reveals his reservations about the ethics of enforcing offenders' attendance at the various appointments whether or not they want to participate in the process, and also the inevitability that both he and the client will conform to the organisational targets:

*'Well the question for me is that, some people might be happy to do it, but if they are not happy to do it nevertheless the expectation is that it is going to be part of their National Standards reporting, and if they decide they are worried about doing it or something or other, we have to treat that as a missed appointment and breach them. [Is evidence being gathered about whether this is working so that when they come back next time they can all read and write?] Well, we have a target that we have to send X number of people for basic skills. And there is another target that they get a qualification, but its early days yet.'*



The efficacy of the services provided in these enforced appointments is not yet demonstrated; however, if the client misses an appointment, Mark will have to enforce the order through the court.

Another example of this process of adhering to targets which are not of their own making occurs in my discussion with Michael about the content of supervision. Though he clearly finds the emphasis on targets in his supervision unsatisfactory, Michael nevertheless suggests, perhaps with a touch of irony, his feeling of letting people down when he fails to conform to one of the newer service expectations:

*'I got a glowing commendation from the divisional manager last year because I hadn't had a single day off, but as to the content of my work, no one takes any notice of that. And then this year I had two days off so I felt I'd really let the side down.'*

Angus, using OASYS as an example of the way he feels people are forced into a mould and because they need to survive, begin to behave in ways that are expected of them:

*'If it's trying to get you to act like a monkey you'll behave like one. If it asks silly questions, you'll not worry about the answers. If you're no good at typing you'll not want to spend much time inputting discursive answers therefore the quality will be poor.'*

Perhaps the most poignant examples of the process of self discipline that were observed in participants' answers, are those in which they suggest that they, or in any event their skills are no longer required by the Service. Their acceptance of the new status quo is such that they feel they are no longer of any use to the Service:

Mark:

*'I'm on the pensions website these days.'*

James:

*'I'm looking at the door now. Well, hardly a day goes past without me thinking. . . Well there are days when I think I can't stand it any longer and if I didn't have a daughter at university I think I'd be seriously thinking of getting out.'*

Kate:

*'But what I don't feel confident about is whether the Service wants people like me any more.'*



Angus is clear about some of the skills he feels are essential to be a good probation officer:

*'You need knowledge – political, social, psychological knowledge and understanding deriving from that. But you need also to be a strategic thinker. You need to be a practical helper,*

However, he goes on:

*'But the joke is that most of these things are no longer required by the Service.'*

## **ii Resistance**

Resistance exists as a counterbalance to the way that participants employ the dominant discourse and permit themselves to be disciplined by it. Their accounts are shot through with critical comments that indicate their resistance to the direction in which practice is now going. Their comments about managerialisation and control suggest that they view the nature of the change as away from social work and toward prescription, control and punishment. This involves a loss of some of the more imaginative ways of working they had been allowed to use, and a loss of the rehabilitative element which was crucial to social work practice. Marie's metaphor of the *sausage machine* through which clients are pushed is a powerful one, especially bearing in mind Sarah's indication of the reality that at the end of the sausage machine for those who do not comply, is breach – returning the case to court. This section identifies a number of other indications of resistance that can be found in the transcripts.

### **Resistance through critique of language**

The way participants deploy a discourse of criminal justice to discuss their practice shows that they are to some extent comfortable and familiar with the power inherent in it and the shared understanding it provides with fellow criminal justice professionals. What was also identified in the interviews was a number of occasions on which participants chose to comment explicitly about the language they or others were using, with which they felt less comfortable. The participants have all worked for the Probation Service during the period in which the language of policy documents and legislation which frames their work has become more punitive, as outlined in Chapter Five. The following excerpts show that participants are critical of their own and others' use of some of the new language that belongs to what I have termed the *punitive managerial* mode of practice in which they now work. Hamish here indicates how the



term 'client' is starting to become *un-sayable* because within the *punitive managerialist* discursive structure, the term for those with whom probation officers work is *offender*, not *client*:

Hamish (when asked about changes to practice):

*'The volume of paperwork, the lack of time we spend with clients, the approach, I mean I refer to them as clients but other people don't'.*

Mark (when asked about what he does in his present job) rather ruefully indicates his own adoption of some the new language:

*'The idea is that people have some cognitive deficits' (Oh if I hear myself saying this!) [laughs].'*

and later when he is talking about values, Mark comments:

*'Isn't it sad that we call people offenders, and isn't it sad that it becomes natural for everybody, and nobody seems to be questioning that until somebody says 'it's not pro-social to call them offenders' and then we'll start calling them something else. Somebody more important than NAPO or me will have to say this before it'll change. The trouble is that you even go to NAPO conference and hear people talking about offenders, and it's become part of the language. Demonising criminals is what's wrong. I mean some offences need to be demonised, but there has to be a different approach for the offenders that isn't about demonising them. My approach isn't about demonising people. I try to resist calling people offenders but it's very hard because you do find people using the word.'*

Here Mark indicates not only his resistance to the new punitive managerialist discourse, but also indicates his awareness of its power in dominating the practice environment and even the trade union conference where a more critical perspective might be expected. Jenny feels that the change in the language of practice contributes to the inability of the Service to work positively with people:

*'I don't think the Probation Service knows what it is any more. I mean I used to see my role as a probation officer who worked with offenders who were clients. This business of having to call them offenders, that gets on my nerves, but I think offenders is a very blaming, very punitive term, and I think that is part of individualising and pathologising people. And I think within that, in trying to please so many different Governments I think the Probation Service has lost sight of working with people positively.'*

There are a number of occasions when other participants use the language Mark takes issue with uncritically, for example Kate, when asked to say something about her current job, expresses it like this:



*Well, one part of the job is writing pre-sentence reports, so I still interview offenders and write reports for court. The only other contact I have with offenders really, is if they get an order, I have to do one of the initial interviews and assessments. Some people come to us who haven't been assessed, other than very briefly at court, so I have to do the full assessment and write all initial supervision plans on all new cases coming into the unit, so that is the only time I really see offenders then, unless a Probation Service Officer comes to me and says they have particular concerns about a person they are seeing, the risk has changed, for example mental health issues, or something is creeping in that they are a bit worried about, so I might go along to the next interview just to make that kind of assessment.*

Kate's other comments throughout her interview make it clear that she is critical of the direction of practice, but her use of the term 'offender' here demonstrates that the processes of normalisation and resistance are both integral to the way power operates through discourse. Here, when asked where they work at the moment, participants hint at their uneasiness about the new, expressly punitive names of probation teams:

Mark:

*'I'm a probation officer in the community punishment and rehabilitation unit. Or it might be called the community punishment unit, I'm never sure.'*

Michael:

*'I work in the community punishment team (as it is called).'*

Frank suggests that the alternative discourse of social work is a little risqué:

*'Can I use the word social work?'*

In these comments Mark and Frank demonstrate an awareness that the rules, or what Foucault (1977a) terms 'discursive structures' have changed and that the kind of language they are expected to use in order to have legitimacy in the discourse, is language with which they are uncomfortable. The norms that are fixed for expressing theories associated with offending behaviour are now chiefly cognitive behavioural ones, as Mark ruefully recognises in his own comments. Frank indicates that the term *social work* is called into question. Mark suggests that social work values have lost their legitimacy, as people have accepted and found it 'natural' to classify people as offenders whose behaviour requires modification. He turns the new discourse on itself when he remarks that in the future it will be suggested that calling people offenders is not *pro-social*, pointing to the construction of reality (in this case legitimate probation practice) through discourse (Burr 1995). Mark's comment also helps to highlight the



possibility of the prevailing discourse being disrupted, even using its own terms to begin new forms of resistance (Foucault 1976/1979).

## **Resistance through practice**

Participants also express resistance through practice, by maintaining their values and through what I would call ‘taking a wider perspective’. Michael, when talking about training, indicates his resistance through practice by suggesting that he continues to exercise discretion:

*‘When I went on one of those enhanced community punishment courses, and we were asked to give one skill we have. I was last in the line, and I didn’t know what to say, so I said ‘an ability to bend the rules.’ And I think that is important. Not to collude with people, but to say, does this matter, how would it look to a court if I make this decision, rather than saying the rule book says you have to do this, and I think the courts look bemused sometimes with the kinds of things we take back to them, and I think at times in all conscience, its appropriate to bend rules.*

Hamish frankly admits to avoiding some of the tasks associated with the new assessment framework, OASYS:

*[So are you doing this eOASYS now?] ‘Well, in theory I am. I must admit I don’t have a great deal of time for eOASYS. I don’t think it is a very good risk assessment document, it is soul-destroying to do, time consuming, and not of much use, and I think I am able to get away with not doing what the Service says I should, maybe because I have been a long time in the Service and I feel confident that I can say no I haven’t got the time to do it, which I genuinely haven’t, and I think the task itself is not much use in the work that we do. So I try and get away with doing as little inputting into eOASYS as possible. Sometimes, if a case is being transferred to another area, or if you are doing a report for a case which is being supervised by another colleague in another team, I will do it, but on my own case load, like a lot of my colleagues now, I’ve neither the time nor the inclination to do it.’*

Later when talking about the demands of the job, Hamish comments:

*‘Again I suppose I am a bit of a rebel in that I am fairly flexible in terms of national standards. I think I can navigate my way through the system. Well, I suppose I am fairly conscientious, and I don’t think I’m avoiding work, but I think my priorities are not quite the same as service priorities. [And that level of confidence enables you to be able to discriminate about what bits of work must be done, and which have a lower priority?] Exactly, yes.’*

Michael and Hamish are here giving examples of what May (1991) highlighted as the implementation gap, where colleagues re-interpret policies or carry them out to the



extent that they feel is feasible or realistic, rather than going about the job in a way which reflects the letter of policy.

## **Resistance through values**

When participants were asked to identify the qualities of a good probation officer, many of them indicated their resistance by speaking about their values, often contrasting these with the Service's prevailing ethos in a critical way:

Peter:

*' Well I think it's having respect for people – everyone's got potential and it's having the opportunity to carry that out. [Do you think your ideas about that are relevant to what you are doing at the moment?] In some ways yes, and that's why I hope that these courses that they are creating address this potential, but I don't think they do, I think they are presenting people with a menu, you know, 'this is fish, that is potatoes, those are peas, that's your dinner – take it away!', rather than having a discussion. It's not personal, not sitting down and talking to them. '*

Ahmad:

*'Well the starting point is that people are capable of change. '*

Jenny and Anilas' answers include a challenge to the view that social work values have been called into question since the decline of the rehabilitative ideal. Anila in particular asserts her intention to stay and to retain her own values.

Jenny:

*'To value the relationship, to be interested in people, to be curious, and I think to be open and to realise that putting somebody on an accredited programme is not going to change their lives in the context of everything else that's going on. [To be realistic you mean, really?] Yes, be realistic about what we can do, what they can do and not to minimise accommodation, employment, health, mental health, vulnerability, life experiences, because these are all huge factors in relation to someone's offending. '*

Anila:

*'But staying here is positive, and holding on to my beliefs, what I thought I was here for, I'm still trying to carry that out, and you can make life more pleasant, because you still have that experience of when the Probation Service was a better service, you can still try to apply some of that, even though it's just words as such, because the resources aren't there, you can be positive in that very first meeting, it's how you sell probation, you have to sell it. '*



Participants indicate through these comments their awareness of the change in Probation Service values and their conscious decision to retain their social work values in the face of opposition.

### **Resistance through policy critique**

Finally, participants indicate their resistance by taking a critical stance about the direction of probation policy. In this way they demonstrated they have a broader view of practice than simply their own job, workload, or immediate practice issues. They are mature professionals with years of experience who have some confidence in their awareness of the bigger picture.

Jenny on her feelings after a training course:

*'I couldn't believe it when I went on a course and I saw two terms written up on a screen, and I thought, Is this a joke? And it was 'treated' and 'untreated'. And I thought is the Probation Service really talking about people like this, it had a kind of fascist connotation, its as though you can treat them and change them and I find that attitude an over-simplistic way of dealing with people and I think unfortunately most of the Probation Service is going down that line.'*

Michael encapsulates the disjuncture between human need and policy response:

*'Human beings haven't evolved that much in the 20 years I've been doing the job in terms of the issues and problems that they've got, our priorities are what have changed and the systems that go with our handling of cases.'*

Some participants expressed their discomfort at what they saw as unrealistic or even dishonest claims being made by the Service for what it can provide to the public in terms of controlling offenders, or making people safe:

Michael again:

*'Yes, and its also a sort of malaise, feeling that the Service is hoodwinking offenders, and the community and courts by pretending that its doing all kinds of things with people that the courts and the community are pretty worried about, like they're not going on those groups that they are supposed to be doing, those groups are probably not as effective as doctored or premature research has suggested, we're not helping people with accommodation and we're not doing a lot to help people with drug problems. There's a kind of stress, or a discomfort anyway from feeling that you are working for an organisation that's being very much less than honest with its main paymasters. We were naively honest at one point about what*



*we used to do and it felt a lot more comfortable even if we were being criticised by magistrates and judges for not breaching people and not recommending custody. There was a fight on there, and it was much more open and honest, but now we're trying to hoodwink people – this stacking of cases that no-one is allowed to see.'*

Jenny makes a similar point:

*'And I do think this protection of the public, and risk is... well, I think there is a limit to what we can do to be realistic, and I think we set ourselves up with assessments that are grandiose, that we can do so much but we have to be realistic.'*

Kate on the detail of what is happening behind the scenes:

*'I think its probably easier for people who haven't had a lot of contact with us in the past, because they've seen the change I suppose, but what does really worry me at the moment is that in PSR interviews, and in the court process and getting sentenced to a community sentence, I think certain expectations are set up – you know if you're on an order like this, these are the kinds of things we can help you with, and often there is a great long list in the report that goes in to court, and the reality is so different and its completely dishonest really. The reality is that we have a filing cabinet with 5 stacked cases, new Community Rehabilitation Orders, unallocated and seen by duty officers week in week out for up to 8 weeks before we can allocate them because Probation Service Officers' points are high, and so they can't be allocated. So by the time I sit down to do a supervision plan they may have seen 6 8 or 10 duty officers. Some are glad of course, the ones who just want to stick their heads round the door, and others seem quite glad that now someone is talking about them finally getting an officer. Another lot are really quite cheesed off, all these promises about help with housing problems, debts, drug use, all these referrals that were promised haven't happened really.'*

## **Summary of part one**

This part of the chapter has identified some of the different discourses that operate within the context of practice and participants' relationship to these discourses. Participants are established members of an expert professional community and as such demonstrate their ability to employ a criminal justice practice discourse with ease and confidence, benefiting as they do so from the power inherent within this discourse. They can readily identify the development of managerialism and control within their practice context and the consequences of this for their professional autonomy and expertise. The complexity of the operation of power through discourse may be seen in the way that participants have internalised some of the elements of the more punitive managerialist discourse, including absorption of some of the terminology and expressing themselves



anxious to adhere to managerialist targets. At the same time their resistance is manifest in their critique of the language, their practice, values and their ability to retain a critical perspective on probation policy.



## **Part Two: The Ethic of Care**

The next stage of analysis goes on to identify those elements of the ethic of care which I have argued in Chapter Five can be discerned in probation practice in the clinical mode. As the participants trained and practiced for a number of years in this mode, they might be expected to view practice from the perspective of care. This section demonstrates that elements of the care perspective may be identified in their interpretations of their practice, and their critical reflection upon changes they have experienced in recent years.

### **Caring about (attentiveness)**

If we remind ourselves at this point of Sevenhuijsen's definition of care as, 'a mode of acting in which participants perceive and interpret care needs and act upon these needs' (1998 p22), it is easy to see that assessment is the starting point for the provision of care. The nature of assessment within probation practice has become highly technocratic in recent years, and probation officers are now required to use *OASYS*, a long and complex pro-forma, in order to carry out an assessment. In the place of professional judgement, skills or creativity we now have what has been called 'sovereignty of technique' (Oakshott 1981, p11). Participants' responses demonstrate their perception of assessment, based upon building a relationship with their client, is a key part of their probation practice, as Maureen suggests when she is asked what skills and methods she uses in the work:

*'I need to think about this one as well, because when you've been doing the job as long as I have, you just do it without thinking. But cognitive behavioural work, targets for effective change, but I also think that starting to build up a relationship is a key skill, and then deciding what you are going to do from there really.'*

The lack of a shared understanding of the client's life situation and problems is also a cause of unease for participants, who recognise that clients' expectations of them in the current practice environment are often at odds with the kind of service they are officially entitled to provide. This leads to uncomfortable exchanges in which participants feel they must try to disabuse clients of their expectations of help, as in these examples:

Sarah:



*'You still get people who say 'it's your job to help me' but that is less and less, they're being weaned off that idea.'*

Peter:

*'Well I think that they still feel that probation officers are these helpful wonderful people and I have to explain to them that we're writing the report for the court and that's what we have to look at.'*

Participants also discuss the loss of creativity, and their irritation at having to use the OASYS template for assessment rather than being able to exercise professional judgement.

James makes this point twice, first when he says:

*But it [the work] seems these days to be much more about process. You do things that are set out by other people, rather than working creatively with people. [As in programmes and things?] Yes and smart objectives and things.*

and later when I ask a question about updating his skills:

*[But if you wanted to update your skills in motivational interviewing say, or working with denial, could you get that?] 'Well yes I think the Service has quite a good record in training for people who work with sex offenders and in some ways people who do that work are quite privileged, and I have certainly been on quite a number of training events which have inspired me, but it actually is quite detached from the reality of the work because people who deliver the training are quite privileged and they are able to work in creative ways but we're not. The kind of work that you are inspired to do on training events, you cannot remotely do in this setting.'*

Jenny talks about the value of a good pre-sentence report, which in the clinical mode of practice, was always the starting point for assessment:

*'I love writing reports, and I think it's an area that the Probation Service has lost sight of. The courts are our market place, that's where we get our work. It gets me annoyed when I hear people talking about reports as a good story. They're not a story they are a piece of writing about someone's life'*

Jenny goes on in the part of our conversation quoted at page 114, to indicate that colleagues value the assessment contained in the pre-sentence report as a starting point for their work with clients, rather than the formalised system, eOASYS. She also indicates her way of working around the 'template', a pro-forma upon which report



writers are expected to base their reports. This is another example of the 'implementation gap' (May 1991).

Anila feels that templates and pro-formas like OASYS are simply ways of reframing the job that probation officers already know how to do. She also adds that it is the professional experience of the officer that 'makes [the assessment] what it is'.

*'Because someone will do a review, and say we're going to tackle the problem in this way, when it's being addressed in that manner anyway, without the ACE form, without the eOASYS form, there's no way you could do the interview without doing those procedures. But these people get paid vast amounts of money and then say we've come up with this. But that's what we do already. [So you're talking about a change in legislation but also a change in bureaucratic procedures?] Yes, they bring about these procedures and bring about these changes as though they've invented something new, but they haven't, they have not! They've just given it a different title, they've given it eOASYS whereas we've been getting that information to do the report and do the work and get to the assessments, whereas they've called it eOASYS, the new brilliant tool. [And do you find it useful, do you use it for your assessment?] You have to, you have no choice. You use that plus your own input plus your own experiences, which when you have been in this profession for 10 or 11 years you have got a way of working. But you have to, on paper, use eOASYS, but you always use your own experience and knowledge, which makes it what it is.'*

Mark expresses his frustration at not being able to do the small things that express care, like offering a drink, and having insufficient time to conduct a thorough assessment, something he feels he used to have time to do:

*'You can't offer anyone a coffee and spend time finding out how they are. . . Well there's very little attention to the person's background. You would have focused on the person's background [in the past]. You know, you'd have a sort of conversation about what are the problems, what's going on for you at the moment now that the court case is over, all of that lot gets lost I find, because I'm thinking have I got X or Y form done [laughs].'*

Later, in expressing his distaste for OASYS, Mark refers to reflexivity in the process of conducting an assessment:

*'You're not processing the information in your mind when you are talking to people, you're not a blank page are you, as you talk to people, you're absorbing what's going on. [You mean it's a two-way street?] Exactly. You're gathering information, and you might make a few notes on paper about dates and things just to remind yourself, but a lot of it stays in your head. This is the way I do it.'*



Angus sees the skills needed to conduct a thorough assessment as essential parts of the job of a probation officer, and he stresses the practical wisdom that implies thoughtful reflection rather than the technical-rational approach involved in form-filling:

*'I think you need a certain degree of education but you need wisdom. It might be the basis of life experience but then again young people can be wise. Nouse, really, sensitivity. Worldly wisdom, altruism and you need to be able to perceive people in their circumstances and make an assessment, not just filling in a form, not a pro-forma. You need empathy even if you are going to challenge; you need to be alongside, but not colluding. You need authority, and to be decisive. You need knowledge – political, social, psychological knowledge and understanding deriving from that. But you need also to be a strategic thinker. You need to be a practical helper.'*

Angus' approach is a practical-moral one because he sees the endeavour of assessment as contextualising the person, working alongside them without colluding, and using empathy as well as the various forms of knowledge. Provision of help is for Angus a key part of the assessment process. Later in our discussion, Angus expresses the view that the Probation Service has moved away from a practical-moral approach to practice and toward a technical-rational approach, which he feels undermines the reflexive relationship between practitioner and client

*'The value base it has now is not intrinsic to the Service but is carried by its existing workforce. The big thing is when you sit down with a client there isn't a two-way process where you adjust your position and learn, and maybe in a dialogue with you, they learn as a consequence of that. They are seen as flawed from the start.'*

Hamish stresses how essential the relationship is between officer and client in engaging with them in order to carry out the work:

*'I mean the relationship has been very much undervalued over the years and this is the biggest single thing you can do to change people's approach to things over time. All this talk about pro-social modelling, I think having a good relationship with people is the biggest thing.'*

but as Michael points out, the pressure to adopt the technical approach is strong, and militates against a more reflexive and critical approach:

*'Being able to see the world from someone else's point of view, which is more of a pressure than people imagine, because whenever you've got all this kind of pressure from computerised systems and targets, its so easy for those to take over and for you not to see how you're impacting on other people, and this is an art form, being imaginative in that sense. Being critical, although it's gone out of fashion, saying why am I being asked to*



*do this, is it a good idea. I'm not sure how it can be expressed these days and it's quite difficult sometimes and it is done by the union, sometimes it is done by hammering away and embarrassing them.'*

For Carmen, not being able to assess people's needs in order to help them make changes, is a key factor in her lack of job satisfaction. This is her response when asked if she enjoys her job:

*'No, not really to be truthful. There is far too much paperwork, and you do think what benefit is there in all this paperwork? Yes you have to record, yes you have to log, yes you have to do child protection, but a lot of the paperwork we all do now is not about need, and not about helping that person change their life, and I find that is more of what I'm doing than what I would like to do. The only people that keep me going are my peers, because there are some lovely people that I work with, but the actual job itself, no.'*

### **Taking care of (responsibility)**

One of the challenges of a probation officer's job is to take responsibility for providing a service to people who are sometimes very difficult and not easy to like. James here discusses the difficulties of this in terms of his values, and how such offenders are viewed by some of the other people who work with them. The responsibility to engage with such clients is assumed as part of the job, not considered a matter of choice, and James stresses that he does not want to share an opinion he attributes to some police officers, which is a way of distancing professionals from criminals, who cannot change.

*'Well, I think you need a sort of analytical mind, although there is the pretence now that the computer does this for you. Well it is about getting balance between not losing sight of the things people do, because we are an organisation that works with people that do some pretty horrible things, but also I personally do not want to lose sight of the fact that the people we work with are human beings. I mean, a lot of police officers would say that 'leopards don't change their spots' but I personally find that kind of approach quite depressing.'*

Anila, when discussing the skills required for the job, talks in a similar way about being professional when providing a service for people who have behaved very badly:

*'Someone that's prepared to actually listen and be unbiased, which can be difficult, to be professional in that way, even when it's a really nasty situation, and you have to hide your own feelings, especially distaste.'*

As discussed in Chapter Five, the work of the Probation Service has become focused upon risk assessment and control, with an emphasis upon the gathering of quantitative



rather than qualitative data. The professional element of the work has been effectively reduced, and the thrust is to meet centrally-driven performance targets. Responsibility to meet need has been narrowed down to ‘criminogenic needs’ (those needs which if addressed are likely to lead to a reduction in offending). Participants nevertheless express their feelings of continuing responsibility to provide what they see as a good service, as Angus here expresses:

*‘I’m often doing things because of my own motivation and because of the culture of my colleagues, but these are often against the grain of the system – for example what I think is important about intervening in the court system is contrary to eOASYS or what management wants. I think the Probation Service still carries values but it’s not the organisation which carries them, it’s the workforce. For example values like anti-custodialism – writing a PSR trying to persuade the court to use a non-custodial option. I’ve had criticism from managers who are trying to prosecute the Home Office agenda and they think I’m stepping out of role and being an advocate but I think it is part of my role to be an advocate. This is in contrast to the idea that is a scientific, neutral exercise about evidence and effectiveness. These don’t have any intrinsic values, I mean, you could line them all up in the car park and shoot them and that would be effective!’*

One of the consequences of the prioritisation of cognitive behavioural methodology over other methods of intervention is that the most efficient way of providing it is via group work programmes to which most offenders are assigned as part of their court order. The difficulty is that there are too many offenders and too few programmes, with the result that offenders are put on waiting lists. This has the effect of detaching individual practitioners from personal responsibility to provide a service. Despite this, Michael shares Angus’ sense of responsibility to provide a service to these clients, as he describes here individual work he does with offenders whilst they are waiting for the ‘official’ programme of intervention:

*‘Some of those people I’m talking about are on orders, which require them to go on domestic abuse programmes, which if they ran would address these people’s issues much more coherently, but we haven’t got enough of them running, so I’ve got these people on orders some of whom have been waiting 6 months to go on these programmes, so some of the work that could be done with them effectively by group isn’t happening, and so it filters back to me. I think the Service sees a lot of the work being done with people either by group work or by partnership agencies, and often it’s not getting done, and so it’s left with the case manager, looking for ways of challenging them and making them think about what they’ve done, but haven’t got the working set up in which to do that. Despite that, you can get quite a long way with them.’*



There is an apprehension among participants that the kind of organisation they are now working for has priorities and goals which are do not have a basis in the human relationship between worker and client. For some of these participants this causes disquiet about failing to acknowledge responsibility for the difficulties and realities of people's lives, as Angus expresses here:

*'Another fundamental thing for me, coming to the Service when I did – even at that time in my dissertation I expressed ambivalence about coming into the Service as perceived, because there were already moves to take discretion away and one thing I think is fundamental is the personal relationship, and without that nothing else works. But there is a difference between a reflexive relationship and a controlling relationship where a person is trying to manipulate the other. It takes out the human relationship. All this is quite purposeful; it is about central control. I always knew probation was part of the criminal justice system but it seemed to have a sort of licence in its own part of the system, a sort of set of checks and balances and there was a human element which would be a check on the more punitive elements. That's gone now and it's fully incorporated. We no longer talk about tariff and alternatives to custody. The actual reality of offenders' lives and the reality of the courts sentencing agenda are still there, and there is still a tariff but we're not supposed to talk about it – we're supposed to deny the reality of it.'*

James finds his own continuing awareness of the reality of clients' lives and the lack of congruence between this and the expectations he is required to place upon them on behalf of the organisation is a source of stress:

*'And one of the things I didn't say when we were talking about stress, but that I often have said, is that one of the stressful things is that we have to negotiate between the reality of their lives and the kind of expectations that the organisation places on them, and that is stressful. So, you get people to do things that you don't think they should be doing, they don't think they should be doing, but the organisation does, and I actually find that quite difficult.'*

The nature of responsibility these respondents appear to be expressing is similar to the flexible concept of responsibility outlined by Tronto (1994) as the ethical element of *caring about*. Responsibility in this formulation recognises the full social context of individuals, and the responsibilities the state has for addressing needs created by oppression and deprivation. Participants express their anxiety about the narrowing of responsibility toward service users in such a way that needs are viewed only in criminogenic terms, and practitioners are not encouraged to address the wider issues and oppressions faced by offenders. Michael draws similarities with the Stanford Prison Experiment (Haney, Banks and Zimbardo 1972) as he suggests that this is what begins



to happen to an organisation in which people no longer take any responsibility for the welfare of service users:

*'I do feel that I am surrounded now by a lot of people who have lost interest in the welfare of offenders. Their heartstrings are less tugged by poverty, homelessness, suicidal people, and I don't know why that is. It may be because of what they have been told are their priorities. It's a bit like that experiment where they divided students into prisoners and prison guards - they were able to shut out the sensitivities that went with being a custodian in those conditions. It feels a bit like we might be on the same track here, when people are told your priorities are this, this and this, so values get relegated, and we become 100% apparatchik, but there are still plenty of rebels.'*

### **Care-giving (competence)**

Tronto (1994) regards competence as an essential moral element of care because if we are to take responsibility for providing care, to do so without ensuring that the care is of good quality would be unethical. Participants express their views about competence in response to a variety of questions they were asked. They are troubled about *how* their competence is (or is not) being assessed, as well as *upon what basis* it is being assessed. The basis for assessment of competence that participants had been used to was their supervisory relationship with their manager, or senior probation officer. This relationship appears to have changed considerably under the current mode of practice. It would have formerly been a face to face session in which cases were discussed in a professional way, and the officer's professional development would be considered with a view to training, promotion etc. Franks sums this up:

*'But for a long time now it certainly has not been about casework, although we're case managers. It's more about the Service hitting the targets it's expected to reach, the KPI's and all that, not like it used to be when we used to spend time talking about cases.'*

Marie concurs:

*'Well it's just about checking whether you have filled in the right bits of paper and reached your target for points. [So monitoring and checking?] Yes. [Not about you and how things are going?] No. We have just got a new guy and he knows that I will go and see him in between and discuss something I will. If the work is building up, I can't wait till the end of the month. As individuals they are trying their best, but let's not pretend that they're individualising.'*

Mark, whose manager has been quite supportive of him recently, acknowledges that the direction of supervision is not the choice of individual managers:



*'But I think there is a 'sound-bite' business these days and the whole thing of paying lip service to things, and that's not the individual manager, it's that they have an agenda. So your appraisal, what you have to do over the next year is all about meeting National Standards and very little about yourself.'*

Anila doesn't mind about the type of supervision she now gets, she comments that it is:

*'Fine. We are not holding cases in my team, so supervision is basically feedback, you know audit, audit, audit.'*

but Sarah is furious about supervision and had looked forward to being able to get this off her chest:

*'This is one of the few questions where, when I read it, I knew exactly how I would answer it. It's abysmal! Atrocious! Why is that? I think it is partly down to the individual line manager, but partly that management have got so many people, because it's such a big team and although there are two seniors, it is such a big team with many new people, and I feel like I'm not getting the supervision I'm used to. Just up until quite recently, you could go in for supervision taking two or three difficult cases that you wanted to discuss and just talk about them, and to me that's old fashioned supervision and that worked very well, and I don't feel that's happening now. It is partly what's expected of management; they have to waste their time on ridiculous things. [So what do they want to talk about?] Well one thing is this auditing of case files, answering questions about cases that are meaningless, and you know because it's very difficult to do that from somebody else's file, they start to get the officer involved, and I've done that on several occasions, and now I've only done that out of good will to make their job easier, and I'm not going to do it any more because it's my waste time, and it's not just that it's time I value, it's spending it in a way that makes me feel wound up. [So its questions about numbers of contacts and things like that, not the content of the work and how you are?] Yes. Exactly.'*

In his response to my question about the quality of supervision, James reflects upon the possible reasons why supervision may be so poor at the moment. He begins by suggesting that management is being carried out by inexperienced staff members who carry out service policies in a less than thoughtful way:

*'Really very poor. There is a problem in the organisation where there is a group of people who have been in the Service for a long time and haven't sought promotion are being supervised by people who have a great deal less experience. That's one problem. And also people who are in management are carrying out the policies of the Service so you get into ridiculous discussion about whether it is acceptable for me not to visit someone at home because I visited them at home two weeks ago on HDC and they have*



*been recalled and then in prison for a further week, do I need to do it again.'*

One of the frustrations mentioned by a number of participants is the fact that despite the fact that their supervision is all about targets, and they are under pressure from audits, targets and key performance indicators, getting feedback from such processes appears to be patchy:

Kate responded to my question about feedback on her work like this:

*'Well I've asked – you know about eOASYS, because we put in loads of information about the client, and no-one's ever said that's not the sort of information we want, no-one's ever made a single comment about whether I'm doing them right or not. I'm aware that PSRs are audited and that files are audited. [And do you get feedback from that?] Never. And I've been told that you only get feedback if there is something wrong, so it's negative really. So my annual appraisal is the only written thing that I see about my work usually and that isn't satisfactory because the objectives that are set for that apply to case managers not to people like me who do this different job, and they're service led, tied in to targets. So you see things like how many reports you write have a proposal for a group programme, but nobody ever comments about the quality of your work and whether any of it matters.'*

Carmen responds similarly:

*'Well, our files are audited, but we don't get much feedback from that. My manager will mention if my work is up to standard. [And the clients aren't asked about the sort of service they've had?] No not really, I have had a couple of clients that say thanks for your help, but that's about it.'*

Those participants who do receive feedback from service audits have difficulty in regarding it as valuable input on their level of competence. Mark, for instance says:

*'Well, there are evaluations, and you get an e-mail saying 'the target for the last 2 months was X and your team is down 50% of the target (for enforcement or getting people started on work in the first 10 days). So there's that sort of feedback, and sometimes we get positive feedback saying 'you've done well to get x number of people onto a basic skills course.' [How does that make you feel?] [laughs] I feel they really appreciate my efforts! No I just feel that none of this makes any sense to me whatsoever, and none of it makes any sense to them, (the managers) getting a tick from the Home Office. And I don't think the clients think much of our performance targets, although they can appreciate it when you say 'I'm watching you because someone is watching me.' They understand that.'*



James regrets that he no longer gets feedback from court, but does not welcome the kind of feedback that audits give:

*'Well we never get it from courts these days, which I regret because I used to get feedback from courts saying thank you for your report that was very helpful, and I used to like that. But now what we get instead is reports being whisked away and monitored by some measure of national standards and we get told it is acceptable or not acceptable, and my view is that I am not willing to take on board what that person says unless they are prepared to discuss it, because it just undermines one.'*

Several participants mentioned the issue of lack of feedback from courts. It was standard practice until very recently for report writers to be given the result from court so that they would be aware of whether their proposal to the court had been followed or not. Officers who achieved good concurrence rates were highly regarded in the Service. In addition to the result, the court sheet would also give any comments made by the judiciary, which as James indicates, were highly valued by colleagues.

Marie, who works in a pre-sentence report writing team, expresses her feelings about the current practice of not providing results to report writers:

*'That's my big bone of contention. I haven't had any feedback for the last several years – for some reason they've stopped sending result slips from court. If I have time I have to check up on 'crams' [the data-base used by the Probation Service], and I've asked my senior to take it up with the court senior. I worked in courts for years, and I would never have sent the paperwork back without an information sheet, so you have to get it from 'crams', and I don't have time. [What about your senior, does he give feedback?] No. When they do this monitoring, I realise I get my proposals, and my reports come back 'good enough' because I don't have time to do excellent work. [Do you not get feedback from magistrates?] No, well now and again you might get the odd comment, but half the time you don't even get the basic information. The other day I got a report that was supposed to be on no licence, no insurance, and no test certificate. They'd forgotten to put the main offence of dangerous driving!'*

Angus comments on how much he used to value feedback from sentencers:

*'We also get a little bit from courts, but not as much as we used to. I live on a legacy of having worked for the court team and seeing then the extent to which clients, solicitors and sentencers valued our work. Sometimes now you get indifference or a disparaging remark and to some extent I live on that legacy because I know that stipendiaries feel we do a good service and they can't now be happy with what they get. We used to get regular feedback about our reports but the Service stopped the routine giving of court results, and although we have asked for it to be reinstated, it hasn't*



*happened. We don't even get outcome of the case, and it was important for me to get that because when I got these criticisms about style and length I could use that to say, well my report was followed and praised by the sentencer.'*

Participants seem to value feedback that is of a qualitative nature, perhaps because of the complexity of the work, which cannot easily be reduced to a numerical value. Jenny gives an example of some of the kinds of success achieved by one of the clients attending the project she works for, which has evidently given her some job satisfaction, and suggests that the client is making progress but is not readily quantifiable:

*'It's a multi-disciplinary job, you work in a team, both in terms of working in a team, sharing issues and having a dialogue with each other, updating files constantly and having an acute awareness of what's going on in the clients' lives, because they're in your face 5 days a week and you're in theirs, and I think it has a significant effect on the clients because they have their diary sheet on a Friday, and that is like their bible, and rather than 'oh do I have to report to my probation office next Thursday or Friday, it's total, it takes over their lives really, particularly at the beginning, because it reduces towards the end, it doesn't carry on at five days a week up till 1 months, because that would be inappropriate. So I think it has benefits that might not necessarily be equated with completions, i.e. someone has gone drug free for 6-7 months, and has learned to read and write, and has tried activities that they've never tried before, and so there may be relapse, but that doesn't to me necessarily equate with failure, so the order does impact in lots of different ways, and I thoroughly enjoy the work.'*

Michael is frustrated at his manager's lack of interest in the complexity of the content of his work with a service user:

*'That's never been part of the supervision, no-one has ever asked me about how I'm handling that, it's just how are we going to get him through the order, if he doesn't, how are we going to deal with it through the court, national standards and so on. So it's process rather than content? Yes, quite interesting, and how the Service 'appears' to do its job properly. Nobody cares tuppence about what I say to him, whether I'm missing points or what I say to him, whether it helps or hinders.'*

It may be that the absence of opportunities to discuss the content of their work, and their stated lack of confidence in the quantitative evaluations that do take place, some participants express disquiet about their competence, or worry about whether the skills they have are relevant to the organisation. When asked if he feels confident in his skills as a probation officer, James responds:

*'No I don't. I actually feel less and less confident in my skills as a probation officer. I feel as confident as I ever have done in my skills in working with*



*people, but because I do less of that – I used to be a group worker and I think I was actually quite good as a group worker but I don't do that anymore - so I don't get the reinforcement or the feedback, so no I don't. And I don't think the system actually helps, I think the system is deskilling. You'll gather that I'm not very happy.'*

Marie feels very similarly, and pinpoints the lack of casework supervision as the cause:

*'No, no confidence at all. [Why is that?] Well twenty years ago I worked in fieldwork and I had supervision and discussed cases with my senior and that was positive and gave me direction, I knew there were cases I could identify that I needed to discuss. That's all gone now.'*

Other participants still believe in their own skills, but are no longer sure that the organisation has any confidence in them. Kate, for example responds to the question about confidence in her own skills like this:

*'Well I suppose I do on one level. I always look forward to interviewing offenders, and I know I can write a decent PSR by my standards, not necessarily by National Probation Service standards, but I don't care about that particularly. I can use the computer and I feel quite confident in that. What I don't feel very comfortable with is the role prescribed by others for probation officers these days, the lack of trust. It's quite easy to start feeling deskilled, when people start telling you how to write what they call sentences in a pre-sentence report, or in what order to write things, it's quite easy to feel, on a bad day, not valued.'*

Angus feels very similarly:

*'Personally I feel very confident in my skills, knowledge and experience, but I feel like it is not needed here – they don't need the likes of me. I feel I'm being squeezed all the time in a way. I don't feel that my behaviour is that of a quirky maverick, but it is against the grain of the organisation.'*

### **Care receiving (responsiveness)**

The response of service users to services provided across most parts of the public sector is an important key performance indicator for public bodies at the moment. Offenders appear to be an exception to this. Rather than taking an interest in *responsiveness* in the terms Tronto is using, probation practice is based instead upon offenders' *responsivity* to certain treatment approaches. Meta-analyses of studies of various treatment approaches have suggested that offenders are most responsive to programmes which most closely match their cognitive abilities and learning styles (Kendall 2004). In this sense *responsivity* is an instrumental tool to increase the success of intervention programmes, and success is measured by the degree to which the programme is able to reduce the rate of reoffending of those who have completed it



(McGuire and Priestly 1995). It is not about service users' opinions or their judgements on the quality of services. The gathering of service users' views does not appear from participants' accounts to be a high priority, with some indicating that it was not carried out at all, to others mentioning that it did sometimes happen. The exception to this is a Drug Treatment and Testing Order Team, where service user feedback is regularly sought both informally by the probation officer in her day to day work, and formally through the routine feedback that offenders were required to give to the court under the conditions of their order. Where they do get service user views, participants appear to value these highly. Jenny talks about the benefits of hearing the offender reporting back to the court about his or her progress, and enjoying from that the benefits of feedback on her team's work:

*[I wonder what chance clients have to give you feedback about the Service they're getting?] 'Well in this job I think it's the courts. You know in most court hearings in the land, usually the person who seems to play the least active part is the defendant. The solicitors have a part to play, the solicitors, the prosecutors, the clerk, the magistrates, and the defendant just sits there saying very little. But in the Drug Treatment and Testing Order court, it's quite interesting because the reviews are there for the magistrates to read and there's no solicitors there, except if there's a breach, and not always even then. And so the magistrates get into a dialogue with the client and make a comment about how are you doing, and at that point you'll get to hear what the client has to say about the order, and its benefits. They may not say I've got the greatest probation officer alive, or he/she has been really helpful, but you get to hear the client talking about the order, all aspects of the order, not just the probation supervision. So you get it from courts and clients, and indirectly those forms that tell you whether the person has been to another agency, and we get forms back from them, (we have one client who has done so well he's going in to schools now giving information about drug abuse). By default these are indirect ways of giving us an indication of how the client is participating, which reflects our work. So the feedback is both direct and indirect.'*

Few participants have the benefit of such comprehensive and regular feedback as Jenny discusses, but it is interesting that reporting back on their progress is built in as a routine aspect of the Drug Treatment and Testing Orders. This reflexive process is written into the structure of the DTTO and is a requirement of the order, and research findings show that offenders appear to benefit from the review where a sentencer shows interest in their progress (Turnbull et al. 2000). Those participants who did have the benefit of feedback from clients were very positive about it and seemed to gain a great deal of support for their work from positive client feedback, particularly when positive



feedback appears to be lacking from their employer. Sarah and Frank are both effusive about their clients' feedback:

Sarah:

*'I've decided that I'm going to keep a special feedback folder, because you do sometimes get really nice letters from clients, you do you get wonderful letters from some of them. And out of 90 people if you get 5 or 6 who have said things in letters to make you think you've done a wonderful job. Getting people through licences without going back to prison is enough to make you feel good, because it's so difficult.'*

Frank:

*'Up to now, or well since I've been back here (since October 2001), generally, 80%+ from clients. [Is that because you ask them, or do they just make comments themselves?] The latter. I really try and involve clients; whatever I'm trying to do with them I try and explain it to them. I work in as open a way as I can, and the feedback is part of the way in which I am working with people, because its part of the process. And where are you able to record that? Well we still have hand-written part C's and I put it there. [So you talk to them about how things are going, and how you are helping them, as you go along?] Yes. And I had a woman in recently, she's 21, she's been in trouble since she was 14, a horrendous background. She has a very poor attention span, and so I try to record everything. Then next time she comes in, I follow up on things, like for instance a contact issue with her children; I will pick it up next time. Some people, they are just ticking in and reporting, but for the others, making a note of what is happening and following up is really important. And another guy I had, he got involved with heroin. He is really shy, but he really benefits from the feedback he gets, and he was doing really well, staying off the gear and keeping appointments, and then one day he came in and looked ill, and I asked him about it and straight away he admitted he was back on gear. And I think that's because of the way I've worked with him. He's now on a subutex script and is doing really well. So if I see anything that is in any way positive, I make a note of it and bring it up with them.'*

Frank and Sarah clearly make obtaining feedback from clients a central part of their work, whereas other officers do not, and seem to have little faith in such processes as there are in the organisation to obtain feedback. As a consequence, their understanding of clients' views on the Service they receive is less clear, as in this example from Michael:

*'You get a sense from offenders about what they feel about what's happened, and sometimes they fill in questionnaires but they never come back to us. [Where to they get questionnaires from?] They get an exit survey from this unit, mostly about the work they've done. And under the old ACE system they were supposed to contribute to a final review, but often it didn't*



*really happen because of the pressures of paperwork and the unwieldy volume of paperwork.'*

James appears ambivalent about getting feedback. He does not use the question on a service provided form that could be used, but is positive about the comments given to him directly by a client:

*[What about clients, are clients asked routinely did you find it helpful?] Well there is a form to fill in but I never do it. [So clients are not routinely asked?] Well I think the Service would say that they are but it is done in a bureaucratic way. [But clients are not asked about you, and if you have provided a good service?] No. [So you never get that sort of feedback?] Well occasionally, I had a guy in the other day to read a draft report, which is a luxury we don't often have these days. And he said thanks for helping me. And I asked what he had found helpful and he said 'well I've never had the chance to talk about it before'. And I thought oh well that's interesting. [But that is an exception?] Yes.*

Responsiveness to the service they are receiving from their probation officer is a concept which does not appear to be clearly defined or systematically evaluated, judging by participants' accounts. Since 'what works' became an orthodoxy, as discussed in Chapter Five, policy interest in offenders' response to probation intervention has focused on statistically quantifiable data about reductions in recidivism rates. This means that the kind of slow, piecemeal, day to day progress of the kind that Jenny talks about in the previous section, where the client has been drug free for 6 or 7 months and has learned to read and write, cannot as she notes, be measured in terms of successful completions (i.e. completing the order without breach) let alone no further offending in the next 12 months. For Jenny, reviewing the ongoing progress of the client is legitimated by the Drug Treatment and Testing Order itself in the requirement that the offender must attend court at intervals to report on progress. For the other respondents, interest in the day to day content of supervision, the progress individuals are making, and their views on the Service they receive seem to be left entirely to the discretion of the individual supervisor.



## Integrity of care

In order to provide good quality care, the four elements of care discussed need to have some coherence; they must fit together purposefully to form a properly functioning system of care (Tronto 1994). It is not surprising in this case that they do not, because although participants appear to understand their work from the perspective of care, the circumstances in which they practice are not of their own choosing. The Probation Service has increasingly begun to organise practice around managerialised goals which are underpinned by an ethic of justice rather than care, as we have seen in Chapter Five. Participants' responses clearly show that although they would like to practice from a caring perspective, this is often as Angus puts it '*against the grain of the system.*' I summarise below the difficulties that arise in trying to achieve integrity of care which emerge from participants' constructions of their practice environment.

Assessment of need is a fundamental starting point for any system of care, and what has happened within probation practice since the advent of the *what works* orthodoxy is that offenders have been assessed primarily upon their so called 'criminogenic needs' i.e. those problems or features of the client's life that contribute directly to their offending behaviour. In this way intervention can be targeted toward criminogenic needs, with the assumption that this is more likely to reduce offending behaviour (McGuire and Priestly 1995). There is a model of rehabilitation being employed here that is purely instrumental – i.e. designed to manage their risk and minimise harm, rather than improving their quality of life (Ward and Stewart 2002). Identifying criminogenic needs and the level of risk offenders pose to the public in a more systematic way are two of the factors that have led to the development of offender assessment systems like *OASYS*. *OASYS* gathers information such as age at first offence and age at first imprisonment. Facts like these can be statistically calculated to provide a prediction about the likelihood of reoffending in the future, which may in turn be contrasted with actual reoffending following a programme of intervention. This means that the element of *caring about/attentiveness* places far less emphasis on the professional skill and expertise of practitioners. It leads to a system of assessment that tells us little about the day-to-day, qualitative circumstances of the person's life. The small steps they make towards progress; how they feel; what they think about their relationship with their probation officer and whether it has helped them. Participants in this study believe that this sort of information has value. They approach assessment from a conception of the self which accords with the care perspective. They do want to attend to, and care about, their clients' needs. The justice perspective begins with an



assumption of human separateness, but the care perspective begins with an assumption of human connectedness. How the client builds a relationship with them, how the client builds their relationships within their family and community are for these participants important issues in assessment. As Hamish says, '*the relationship is the biggest single thing you can do to change people's approach to things over time.*' There is clearly a different conception of human need being used here. Participants seem to be construing need much more broadly and qualitatively than the conception contained within the term 'criminogenic need'. They feel they should take account of the reality of offenders' lives. Issues like poverty, homelessness, the responsibilities the person has to their family; the person's capacity to manage these on a day to day basis, and crucially, their capacity to change. The model of rehabilitation being used here encompasses the enhancement of capabilities with a view to improving their quality of life (Ward and Stewart 2002). In order to assess these needs fully, participants suggest that engaging in a reflexive relationship with the client is necessary, and a purely technical approach to the process is not helpful.

The technicisation of assessment methods provides a disjuncture between the first element of *attentiveness* that is essential for good care, and the next element, *caring about/responsibility*, because the assessment is not carried out in a relational manner that involves building a relationship with the client, and negotiating solutions. The Service provided is imposed upon clients from a pre-determined curriculum of programmes, rather than negotiated with them in a way that takes account of their social context. Participants are skilled at developing relationships with clients, which they have traditionally built up during the process of assessment. Their responsibility for providing a good service to the client includes challenging offending behaviour, something as Jenny points out, they feel has always been part of their job, but they are also clear that there is a responsibility to recognise the real life difficulties and oppressions faced by offenders, issues that participants now feel their attention is drawn away from. Their attention is instead turned toward technicist and administrative procedures that the organisation now values and the tension created is a source of stress for participants. There is a feeling that the organisation no longer takes an interest in the harsh realities of offenders' lives whereas participants are faced with these on a day to day basis in their work with offenders.

In a working environment where neither assessment procedures nor methods of intervention are of their choosing, the issue of *competence* is a contentious one for participants. They would like to be able to demonstrate that they provide a good service



to service users, but they feel that their competence in the job is not being measured using criteria that they perceive as valuable. Taking responsibility for their relationships with clients, recognising the oppressions faced by clients, and working alongside clients to help them deal with these are no longer measures of competence. What is now measured is the meeting of targets such as giving 12 appointments in the first 12 months, referring offenders to specific group work programmes, and breaching offenders for failing to attend. There is a lack of congruence between what participants value in terms of success in their work, and what the organisation now values. The content of supervision with their managers is substantially about reaching performance targets, and the feedback that participants used to obtain upon their case work with clients is absent. Court results and comments from sentencers which previously formed part of the feedback about their work are now largely absent. This leads to frustration on the part of participants and in some cases a feeling of lack of confidence in their skills as probation officers, or the feeling that whilst they still possess the skills, these are no longer valued by the organisation.

The lack of congruence between practice and service user feedback is echoed in participants' comments about issues of *responsiveness* in terms of service users. What offenders feel about the service they are getting is clearly of importance to participants but there is a gulf between the Probation Service and participants in terms of what kind of service user feedback should be obtained and how it should be obtained. Participants report a very patchy approach to service user feedback, and whilst participants are interested in the qualitative views of clients about the kind of service they receive, the service itself is chiefly interested in measurable changes in offending behaviour that can be gathered and assessed in a statistical manner. With the notable exception of Drug Treatment and Testing Orders which have a review facility built in so that offenders provide regular feedback on their progress to courts, what happens during the course of orders, with the exception of breach, reoffending or completion is of little intrinsic value to the service. This devalues the day to day working practices of participants, although some of them counter this by taking their own individual feedback from clients and using this to inform their practice.

With the nature and extent of the divide between what practitioners and the organisation view as the key components of the Service being provided, it is not surprising that probation practice does not from the accounts of these participants, appear to demonstrate *integrity of care*. From the perspective of Government policy at the present time, this is not a problem, because as Paul Boeteng put it '*we are a law*



*enforcement agency, it's what we are, it's what we do* ' (2000 un-numbered first page). Participants in this study are uncomfortable with this because they are uneasy that not only are they prevented from providing a service to offenders that takes account of the realities of their lives, but that the Service is failing to fulfil the promises it makes to the courts and the community about providing control of offenders and greater protection of the public.

## **Chapter summary**

This chapter has presented the voices of practitioners as they discuss their lives in practice and their feelings about and responses to the changing policy environment in which their practice takes place. The changing policy context is evident not only in what participants say about their working practices, but in how they say it. They are confident in their use of a practice discourse that facilitates and enables their work with other practitioners in the criminal justice system, and which confers upon them a good deal of power. They use a good deal of the terminology of the current mode of practice, for example, 'eOASYS', 'enforcement', 'compliance'. These are terms that were unheard of ten years ago. At the same time they are able to stand back and critique not only the actual practices, but the language they themselves, and others are using. This shows how power operates through discourse, as participants on the one hand appear to interiorise the dominant discourse and at the same time demonstrate their resistance to it. They use their expertise and powers of critical analysis to resist what they consider the worst elements of the kinds of policy changes they are expected to implement, but also suffer from anxiety about some of the new managerial demands they feel they must fulfil. Throughout their accounts, the complexity of achieving policy change in an organisation staffed by reflective and critical practitioners is evident. The chapter goes on to a second stage of analysis, using Tronto's five elements of care: *attentiveness, responsibility, competence and responsiveness* to understand and explicate participants' experiences of practice as the policy context in which they work has changed. The next chapter provides a discussion of these findings and draws some inferences about the nature of practice.



## Chapter Seven

### Discussion

#### Introduction

This chapter provides a discussion, drawing together the strands of analysis presented in previous chapters. It illustrates through an examination of participants' interviews the complexities of power relations which involve both discipline, that is normalisation and acceptance of power, and resistance to power's effects. Links are drawn to the changing discourse of policy that has been identified in the two critical history chapters. The discussion proceeds with an examination of how, through a reflective approach to their practice, practitioners adhere to a particular form of subjectivity in which they continue to see themselves as social workers and therefore employ moral principles that accord with the ethic of care. This involves considering the nature of practice, and viewing it as a practical-moral activity rather than a technical-rational one.

#### Power, normalisation and resistance

The participants in this study are experienced practitioners whose practice environment has changed almost beyond recognition, and they are now practising in an environment which is not of their choosing. They continue, however, to have power as practitioners within their sphere of expertise. For Foucault, power and knowledge are inextricably linked, and as Driver notes, power:

‘does not exist prior to discourse and practices on some other plane or level; rather, it operates through them’ (Driver 1994, p116).

Foucault suggests that there are procedures of exclusion that facilitate the deployment of power/knowledge and act to control and restrict as well as to promulgate various bodies of knowledge through the regulation of discourse (Howarth 2000). We can see these operating in the way participants comfortably and confidently deploy what I have termed the discourse of *criminal justice practice*. This discourse facilitates participants' work as probation officers in the court and imbues their voices with influence in a hierarchical setting. We can clearly see the exclusion of the non-expert in the deployment of terminology that is not readily understandable by the lay person, including the defendant who is the subject of the proceedings. The jargon deployed identifies the user as part of a community of practice which includes not only probation officers but lawyers, magistrates and other professional users of the court system.



Chapter Five suggested that the discursive structures which facilitate power may be identified in the changes to criminal justice discourse that have taken place since the late 1970's. One element of this is the 'delimitation of the field of objects of discussion' (Foucault 1977a, p199), and it was suggested that crime causation is no longer of key importance in understanding offending behaviour. This can be identified in the limitation and regulation of what participants are now permitted to talk about in their pre-sentence reports and in the rigid structuring of their assessment methods. The quote from Jenny at page 114 alludes to both normalisation of and resistance to this change. *'And I can live with the template. I found it frustrating at first but I think a good PSR writer can work around the template.'*

Another aspect of the discursive structures that can be seen to be operating through the participants' interviews is the *legitimation of the agent of knowledge*. The court as we have seen is an arena where the probation officer has legitimacy in terms of his or her right to speak, but this has begun to be threatened by changes in criminal justice discourse which have acted to limit the legitimacy of the professional probation officer's opinion, which Hamish alludes to in the quote at page 115.

A number of other factors have contributed to a process of attrition of the legitimacy of the probation practitioner's voice within criminal justice discourse. There has been a loss of faith in professional judgement, which has been replaced by statistical forms of evidence based upon standardised norms and classifications, and only those interventions that are amenable to producing this kind of evidence are deemed appropriate to an evidence-based, practice led professional culture. These discursive structures are part of the complex of ways in which power operates, according to Foucault, at particular historical junctures, rather than as some monolithic, sovereign decree, through 'processes of different origin and scattered location, regulating the most intimate and minute elements of the construction of space, time, desire, embodiment' (1976/1979, p138).

Participants use the discourse of *managerialism and control* to construct accounts of their practice which acknowledge and in some ways demonstrate their normalisation to the changed practice environment, whilst at the same time asserting their resistance to what they see as the unpalatable aspects of change. They submit their work for monitoring but place little faith in the results, if they appear. There is clarity about what is lost when managerialism and control predominate. As Ahmad puts it: *'the danger then is to lose from the social work interview the bit about rehabilitation'* (page 117). Resistance may also be deployed from within a dominant discourse. Frank suggests that



the new concept of compliance may be a return to a focus on the content of the work between practitioner and client, rather than mere enforcement of attendance: *'It seems to me that there is some hope that once we've got the message about enforcement, that compliance is the next stage. So compliance is about getting through the content of the order, not just turning up'* (page 120).

The third aspect of discursive structures discussed in Chapter Three is 'the fixing of norms of the elaboration of concepts or theories' and how this has impacted to rule out concepts or theories that relate to sociological or psychological causes of crime. Instead a broadly administrative paradigm in official criminology predominates, with social and situational control of crime as key goals of criminal justice practice. Risk assessment and risk management are key tasks for criminal justice professionals. Participants use the discourse of risk management and assessment in their responses in a way which acknowledges it as a legitimate task for them. In terms of a Foucauldian understanding of power, participants are here expressing adherence to a prevailing norm, which they have accepted as part of their professional subjectivity. It is part of the job to risk assess and risk manage, and indeed as Jenny points out, this is something they have always done *'just in a different format'* (page 125).

Participants' construction of their role in risk assessments also demonstrates the way that power operates in that it is not wielded by one group against another but is held and produced by all. Risk assessment is a process in which the participants do possess expert power and have been used to having the autonomy to carry out these assessments in a way which enables them to exercise their professional judgement. The requirement that they must now use the prescribed pro-forma OASYS is a source of frustration. As Jenny puts it, *'I've not found it helpful, I've found it frustrating, it creates stress, and it doesn't serve its purpose'* (page 114).

Power relations within a Foucauldian framework may operate in ways which mask their true nature. Participants clearly felt that they enjoyed a position of power and autonomy prior to the changes invoked by managerialisation and greater prescription of practice. They draw on the discourse of professionalism to identify their recognition and discomfiture as the realisation begins to dawn that their autonomy was perhaps illusory. As Michael comments at page 122, it is annoying to find that decisions he had been deemed able to take responsibly in the past, are now the province of senior probation officers.

Power operates through discourse to produce docile subjects within the prevailing power relations. This is not achieved through coercion but is much more successful



when individuals internalise prevailing ideas, and discipline themselves according to prevailing norms. This can be seen in participants' accounts when, at the same time as being critical of some of the new developments like OASYS, and the rigid prescription of practice, they at the same time discuss the ways in which they conform to these new practices. It causes them anxiety, as Mark expresses at page 137 when they are too busy worrying about a form they have to complete to pay attention to the service user properly during the interview. Also as Michael suggests at page 124 it erodes their ability to do the parts of the job they feel are more relevant. At their most despondent moments, the participants appear to feel that it is they, not the current model of practice that should go. This is summed up in the comments at page 126 by a number of participants who feel that their skills are no longer required by the service, and resonates with Foucault's suggestion that:

'There is no need for arms, physical violence, material constraints. Just a gaze. An inspecting gaze, a gaze which each individual under its weight will end by interiorising to the point that he is his own overseer, each individual thus exercising this surveillance over, and against, himself' (Foucault 1977b, p155).

Foucault recognised, however, that power relations are never seamless, and acknowledged that at the same time as behaving in ways that express their docility, sometimes that docility may have consequences that are potentially liberating. Whilst feeling that they are no longer needed in a service which is changing beyond recognition, participants loosening commitment to the Service perhaps frees them to express a critical perspective and identify some of the oppressive language that they and others are using. Mark, when he talks about how sad it is that staff call people 'offenders', is incisive in suggesting that other elements of the prevailing discourse may be a potential source of resistance:

*'nobody seems to be questioning that until somebody says 'it's not pro-social to call them offenders' (page 128).*

For Foucault, resistance was always a possibility, and through it he believed it was possible to modify the hold of power (Foucault 1976/1979). Freedom in Foucauldian terms has been characterised as 'rebellious against the ways in which we are already defined, categorized and classified' (Rajchman 1985, p62). The participants demonstrate their resistance to the renaming of their teams, as in Mark's and Michael's comments at page 129 and also in a variety of tactics, such as Hamish's avoidance of



OASYS, and his construction of himself as experienced and confident enough to say *'no I haven't got time to do it'* (page 130). Michael's creativity in practice by bending of rules is another way in which practice is reconstructed in a way that is more acceptable, and he calls on the authority of the court which expects him to exercise his own judgement: *'I think the courts look bemused sometimes with the kinds of things we take back to them, and I think at times in all conscience, it is appropriate to bend the rules'* (page 130).

### **Reflective practice and resistance**

Power as Foucault conceives it has a heterogeneous form, is inherently unstable and is subject to a myriad of forms of resistance, as the examples discussed so far show. Another form of resistance manifests itself in the role of the 'specific intellectual' who, like the participants in this study, 'has become used to working not in the modality of the "universal", "the exemplary", "the just-and-true-for-all" but within specific sectors at the precise points where their own conditions of life or work situate them (housing, the hospital, the asylum, the laboratory, the university, the family and sexual relations)' and in this case the Probation Service. This position 'has given them a much more immediate and concrete awareness of struggles' (Foucault 1994, p126). Foucault saw a particular role for the intellectual in challenging the power relations obtaining in a particular field at a particular time. In their interviews, participants adopt this critical stance, drawing upon their many years of experience of the field and offering a critique of probation policy from a broader perspective. In essence the critique involves a concern that the appalling reality of offenders' lives is being ignored with the abandonment of a social work approach to the work. On the other hand the promise of greater public protection is in reality not supported by resources and impossible to deliver. Michael encapsulates this as *'a sort of malaise'* (page 132). The practices described by Michael and other participants lead to their feelings of discomfort at what they view as organizational dishonesty. They also suggest a lack of stability in an organisation which is not in reality living up to it's public image.

Ultimately, what seems to sustain the resistance of these participants in what is quite clearly a difficult and uncomfortable work environment, is their ability to think critically and reflexively. In this way they are able to retain their value base, and to construct for themselves a form of subjectivity in which they continue to see themselves as social workers. As they reflect upon practice encounters, the value base that the participants continue to deploy, in the face of working practices that do not facilitate or



support it, is essentially an ethic of care. From such a small sample, 15 practitioners, of whom 8 are men and 7 women, no claims can be made about care as a gendered concept. The processes that are involved in sustaining and indeed continuing to develop this value base are revealed, I believe, by an understanding of the participants as *reflective practitioners* (Schon, op. cit. Chapter Two). In the same way as reflection upon the real life encounters I had with clients came to modify my structuralist theoretical perspective as my career developed (see Chapter Two), the participants bring their mature practice experience to professional encounters which are taking place in an increasingly unfamiliar environment. It is a setting that is now dominated by a technical-rationalist approach in which practice is managed within a routinised framework. As critics of evidence-based practice have pointed out, practitioners do not adopt the rational actor model based upon evidence they are presented with (Webb 2001). These participants complete the OASYS form and obtain scores which gives them a risk score for a particular offender. But as Mark points out, they still use their professional judgement in arriving at an assessment. *'Well it's all fine and dandy isn't it, but I'm not really going to use it to make the assessment. [So are you making the assessment and then putting it into the form?] Yes'* (page 124).

Mark also identifies the process of *reflection-in-action* which Schon suggests occurs as the encounter with the new situation is happening as he goes on to discuss the reflexivity of the encounter between himself and the interviewee, in which he gathers information and makes a few notes, but keeps most of the information in his head.

The process of *reflection-on-action* described by Schon would usually in social work have taken place within supervision sessions in which cases were discussed. The participants' accounts make it clear that this is no longer possible. Supervision is within the technicist framework of meeting targets. But participants continue to reflect-on-action by discussing cases with their colleagues. Michael's comments here are typical of what all fifteen participants told me, which is that they continue to discuss cases with their peers:

*'I've never looked to formal line management supervision as the place to go for resolution of many of the issues I'm turning over in my head at any one time, the professional ones that the clients are throwing up. I've usually wandered into a colleague's room and talked to them about it. Supervision now is more about accountability and talking about how the unit is going rather than about me.'*



Participants' *reflection-on-action* clearly leads to their reflection upon issues which they are now not encouraged to consider. Practice is now based upon using a pro-forma assessment to determine risk and match offenders' learning style to a particular form of cognitive behavioural intervention, and about achieving targets of assigning certain percentages of offenders to particular courses. Risk is therefore assessed in what is seen as a systematic and rigorous way, and managed by the application of approved programmes; offenders are breached (returned to court) if they fail to attend. The human reality of carrying out these processes is far from straightforward. Participants recount stacked cases, referring for group-work treatment clients who have already attended 'every group known to man', and even in one instance clients who preferred to go back to prison rather than attend a group programme on release. Participants also report their continuing interest and concern in the complexity of clients' lives which as is known from research, are very likely to take place within impoverished conditions (Mair and May 1997). As James points out, a form of practice which ignores these conditions and contributes to pressure on the clients is stressful:

*'And one of the things I didn't say when we were talking about stress, but that I often have said, is that one of the stressful things is that we have to negotiate between the reality of their lives and the kind of expectations that the organisation places on them, and that is stressful'* (page 141).

### **The nature of practice**

What emerges from participants' accounts is an understanding of practice and a description of its performance that is not the instrumental application of scientifically derived method to subject. It is a form of human action based on relationships between the helper and the helped, in which decision making is indeterminate, reflexive, and based upon values which, to paraphrase Angus, are carried by the workforce, not the Service. This relates to a key idea that emerged from an initial reading of participants' accounts and led me in the direction of understanding the moral principles of practice. In discussing his concerns about the devaluing of the professional working relationship in the current mode of practice, Angus went on to say:

*'This reminds me of something I read when I was doing my dissertation about Aristotle's notions about practice in interacting with other people. He talked about techne and phronesis. Phronesis is about getting into a reflexive relationship with another personality and working it out together. Techne is about technically rational technique and that is the approach we are heading for. Sheldon [1986] wrote about evidence-based practice, and the 'social work as art' camp wrote in opposition to that – Michael Whan [1986] was one author'.*



Sheldon's article criticised British social work for its lack of knowledge of the available scientific research on the effectiveness of practice interventions. He went on to review effectiveness research based upon experimental techniques where interventions were applied to experimental groups of service users and their responses compared to those of non-intervention control groups, 'defector' control groups (where people drop out of programmes) or 'other intervention' control groups (where two kinds of interventions are compared). He compared an early wave of studies which took place between the 1940s to the early 1970s with the later wave, from the 1970s till the mid 1980s. Whilst the early studies mainly demonstrated the ineffectiveness of social work interventions, the later wave of studies, though smaller and more limited, were able to show some effectiveness. On this basis he argued that social work practitioners should base their interventions upon 'stricter tests of outcome once we are confident that we have a well-worked-out, consumer-satisfying, theoretically-consistent pattern of intervention' (Sheldon 1986 p 240). This has led in social work to an implicit value base which embodies a technical-rationalist approach to practice in which scientifically tested forms of intervention can be applied in a 'value free' way to systematically identified service users. In this way only certain forms of practice are considered legitimate, and we have already seen that in the Probation Service this is an adherence to an overwhelmingly cognitive behavioural model of intervention. This approach to practice is linked by Michael Whan (1986) to what Aristotle called 'techne' or technique, where action is based upon scientific causality. Whan contrasts Aristotle's notion of techne with his opposing notion of phronesis, using the explanation of phronesis given by Gadamer in his (1979) study *Truth and Method*.

The view of practice based on phronesis (loosely translated as 'practical wisdom') is one in which judgement, choice and reflection is brought to decision-making based upon the detail of specific, concrete situations and with a view to doing good (Whan 1986). It has been pointed out that the moral framework which has come to be known as the 'ethic of care' fits comfortably with the concept of phronesis (Sevenhuijsen 1998, Tronto 1994). My own research led me from the original Aristotelian concept suggested by Angus, toward the ethic of care because it has been much more fully developed as an understanding of modern day social practices. I will try to demonstrate the links between 'phronesis' and the ethic of care as I show, following Whan, that they illuminate practice as a practical-moral activity, rather than a technical-rational one. I will also contrast phronesis and care with the ethic of justice which links more



comfortably with *techne* or technique. As I do so, I will illustrate the discussion throughout with examples from participants' accounts.

Phronesis, as practical wisdom, is the type of knowledge that the helper brings to bear on a particular situation. This links to the ethic of care, which will apply moral decision making to the specific and unique features of a particular situation including the history, identity and emotional constitution of the individual. Both phronesis and care can be seen as distinct from *techne* which is founded upon scientific causality, and from the ethic of justice, whose basis is in the application of abstract principles based on rules and rights.

There is an example here from Michael's practice, where he discusses the particular features of his client's life that have to be taken into account in order to help him to get through a 'community punishment order' where he undertakes unpaid work in the community:

*'I have one bloke who was quite violent to somebody in his family and he got a community punishment/community rehabilitation order. In the meantime he had an accident and damaged his hand, so we had to work out a strategy for how we were going to enforce his community service order. Along the way, as I have talked to this bloke, he has been very perturbed about deaths in his family, and the responsibility he feels he has to take to keep the family in order; he's very challenging to work with.'*

Michael works in this way with the client even though the prevailing model of practice requires him only to enforce attendance. He should apply the abstract principles of justice to the client as a neutral subject by simply breaching him for non-attendance, and collect data on enforcement so that the technical efficiency of enforcement may be demonstrated. He goes on to say: *'Nobody cares tuppence about what I say to him, whether I'm missing points or whether it helps or hinders'* (page 146).

Phronesis involves reflexivity in the application of knowledge. That is, the helper cannot disregard his or her impact upon the situation, must have an awareness of his or her values, and must take personal responsibility for decision making. As Whan puts it: *'practice cannot be a method or technique applied to a person or a thing in which the practitioner remains untouched in his or her being, but is one in which the person is intrinsically involved'* (1986, p246). This is a reflexive conception of the self, or a form of subjectivity which acknowledges human connectedness. It relates to the ethic of care whose starting point is human connectedness in which we recognise rather than choose our obligations to others. Moral knowledge cannot therefore be applied to a neutral or



abstract other, and having moral knowledge implies a requirement to act upon that knowledge – it is not merely *what we know*, but *who we are*.

This contrasts with *techne* which is a technical problem-solving approach with no requirement for self knowledge or recognition of connections, and with justice, whose starting point is human separateness, with an emphasis on free will and choice in recognition of obligation to others.

Michael at page 138 provides an example of how easy it would be in practice within the current context to abrogate personal responsibility and '*not see how you're impacting on other people*'. However he continues to recognise his responsibility to understand the perspective of the client, and continues to try to see the world from their point of view. Indeed, the kind of practice in which the participants are involved requires them to find connections to others who have sometimes done some terrible things, and they were clear about their responsibility to continue to do this, even if a technical solution could be applied, as James and Anila both suggest when they talk about putting one's own feelings to one side and providing a service no matter what offence people have committed (page 139).

Gadamer's formulation of *phronesis* also involves understanding and insight, where when exercising judgement over the circumstances of another person, we put ourselves into their shoes, that is to try to imagine the detailed conditions of the other person's life. As Gadamer puts it 'Once again we discover that the person with understanding does not know and judge as one who stands apart and unaffected, but rather, as one united by a specific bond with the other, he thinks with the other and understands the situation with him' (Gadamer, 1979, p288). This again links to the ethic of care, whose interrelated priorities are maintaining relationships with others and meeting the needs of those to whom one is connected. It contrasts with *techne* which would be the application of a scientifically proven technique, a means to an end. It also contrasts with justice which would exercise judgement by balancing competing rights based upon the assumption of equity before the law. Hamish discusses here how he prioritises maintenance of the relationship rather than adopting a 'proven' cognitive behavioural technique, and goes on to say that he recognises the particular circumstances of the client group whose voices may not be heard in other places:

*'Trying to respect people as far as you can, and be as courteous as you can. Sometimes its hard because people don't give you courtesy, but our clients don't get heard in other arenas really, so I think if you can, you should actually spend time with them and try.'*



The moral sensibility that is involved in the concepts of phronesis and the ethic of care is about self-knowledge, and that is a key differentiation from technical knowledge, or indeed the abstract application of the principles of justice. Self-knowledge means that we cannot simply do something or apply some technique or principle in an unknowing way. Self-knowledge affects how we relate to ourselves, and also how we relate to others, and both phronesis and care assume within that self-knowledge an understanding of what is good and how what we do affects others for the good (Whan 1986). It is instructive to remind us at this point, of the definition of care that Gilligan derived from her research:

‘The moral imperative that emerges repeatedly in interviews with women is an injunction to care, a responsibility to discern and alleviate the real and recognisable trouble in this world’ (1982, p100).

To summarise, I set out in the diagram below the key distinctions between the moral perspectives of justice, techne and care/phronesis:

	Justice	Techne	Care/phronesis
Conception of problem	Abstract application of reason and rules - ‘taking the standpoint of the generalised other’.	Application of a standard which is independent of a particular situation.	Each person has concrete history and emotional constitution. Need detail to make moral decision.
Conception of self/other	Assumption of separateness and autonomy. Choice and will in acting and assuming obligations to others. Rational subjectivity.	Assumption of separateness and autonomy. No requirement for self -knowledge or reflection. Rational subjectivity.	Assumption of connectedness, and recognition of responsibility toward others. Relational subjectivity.
Conception of human need	Need equates to legal and civil rights	Need is an instrumental category. Needs are addressed to achieve a specific end, e.g. ‘criminogenic needs’.	Need is relational, linked to family and community relationships and establishment of well-being.
Priorities	Balancing competing claims based upon assumption of equity before the law.	Getting the right technical solution to solve a problem.	Maintaining relationships and meeting others’ needs.

### Conception of the problem

In adopting a conception of the problem which requires them to focus upon the unique and specific context of the person with whom they are working, there may be a concern that these practitioners lose sight of the needs of victims, or fail to see that offenders might be a danger to the public. However, this does not appear to be the case. In taking account of the full details of a case when making assessments, participants are clear about their role in assessing and managing risk, and are only too aware of some of the dangerous behaviour of their clients. What they seem to be arguing for is a *balance*



between justice and care, and recognition of their expertise at assessing risk and working with some very difficult people. Caring about offenders need not be a zero-sum approach which harms victims. The kinds of programmes that the Probation Service has long been involved in delivering, in which probation officers and others work with perpetrators of domestic abuse, show us that there are ways of providing care for offenders which support and protect victims as well (Bilby and Hatcher 2004).

This stance appears to be confirmed by the literature on justice and care, by those who suggest an iteration of justice and care in which these principles, although recognised as having distinct ontological and epistemological roots, are deemed to be interdependent upon each other (Orme 2002). Okin (1989) suggests that justice should provide a framework for all caring relationships and Friedman (1995) argues that being just is a form of caring. Others propose that care as well as justice should be a focus of all public policy (Tronto 1993, Held 1995). Sevenhuijsen (1998, p145) summarises this perspective when she says that ‘justice cannot be separated, any more than care, from the way in which we give shape to our social and political participation’.

Throughout the interviews participants express their concern that they are required to practice in a way which involves the strict application of the legal process and an expectation that they adhere to targets for assigning individuals to Home Office prescribed programmes. This severely restricts their ability to take account of the very difficult realities of offenders’ lives. They do not suggest that the principles of justice or adherence to targets, are irrelevant to their work, but feel that these issues have come to dominate their work in recent years in a way which impedes their ability to take into full account the personal circumstances of the person they are dealing with. As Angus puts it:

*‘I always knew probation was part of the criminal justice system but it seemed to have a sort of licence in its own part of the system, a sort of set of checks and balances and there was a human element which would be a check on the more punitive elements. That’s gone now and it’s fully incorporated. We no longer talk about tariff and alternatives to custody. The actual reality of offenders’ lives and the reality of the courts sentencing agenda are still there, and there is still a tariff but we’re not supposed to talk about it – we’re supposed to deny the reality of it’ (p 141).*

### **Conception of self/other**

As trained and experienced practitioners, these participants construct for themselves a relational form of subjectivity in which they regard themselves as social workers. That for them is a role which encompasses values about recognising the unique situation of the other and acting responsibly toward them in a way that is



intended to do good. It is a relational self conception that incorporates an understanding of practice as a practical-moral activity, not a technical-rational one. Practice is the creative involvement of one's self in the lives of those one is trying to help, and knowledge is actively created in the shared understanding that is reached in the resolution of problems. Crucially, such practice does not provide the certainty that is often implied in technocratic solutions, but accepts that the reality of practice is characterised by indeterminacy, uncertainty and ambiguity (Parton 1998). The self here is not merely a rational self who could neutrally apply rules or techniques, but is a relational self for whom connection with other people is essential. The other person in these circumstances is not a separate other, upon whom a solution can be imposed, but is a fellow human being with whom the solution is jointly created. The impact of reflexivity upon the practitioner who is practising in an environment which has become antithetical to his or her values is clearly quite painful for a number of reasons. The participants are conscious of their feelings of continued responsibility toward their clients, even when the clients are difficult and dangerous people, but as Angus puts it, they are aware that this is 'against the grain.' There is discomfort about making referrals based upon targets rather than individual need, and James cites this as a particular source of stress. They are also acutely aware that their self concept as good or competent practitioners is based upon skills which they continue to value, but which are no longer valued by the Service. To compound this, their competence is being measured against performance criteria whose value they question. As James puts it at page 119 when talking about the content of supervision:

*It's about targets, national standards, all those things, defensiveness, making defensible decisions, again this may be slightly over-stating things but I don't think the Service is interested in the content of what we are doing.*

It would probably be easier for these participants if they were able simply to apply the rules in an unreflexive way, but whereas a technique is something that can be learned and forgotten, reflexivity is not something that is readily unlearned. These are experienced practitioners who are skilled in the development of purposeful professional relationships. In this changing practice environment they adapt themselves and try to deal with competing priorities but remain aware of the fundamentally moral character of their practice.



## Conception of human need

The understanding of need that emerges from the voices of practitioners is a much more fully rounded one than is implied in the prevailing tendency to focus criminal justice practice on ‘criminogenic needs’ in an instrumental way. This is not to say that participants are unaware of the risk factors which contribute to offending behaviour, or that they do not consider this to be their responsibility. On the contrary, there is an emphasis throughout the interviews upon participants’ acknowledgement of their responsibilities for public protection, and an assertion of their skills in risk assessment and management. What these participants stress, however, is that the individuals with whom they work are more complex than such an approach implies. As Peter puts it *‘everyone’s got potential... that’s why I hope that these courses that they are creating address this potential’* (page 131). Offenders are not in this view merely recipients of intervention, and Jenny expresses her outrage at this suggestion, implied on a training course she attended:

*‘I couldn’t believe it when I went on a course and I saw two terms written up on a screen, and I thought, Is this a joke? And it was ‘treated’ and ‘untreated’. And I thought is the Probation Service really talking about people like this’* (page 132).

Need, in this conception is bound up with the human relationship and the development of insight that can be achieved through the relationship. As Hamish puts it:

*‘I mean the relationship has been very much undervalued over the years and this is the biggest single thing you can do to change people’s approach to things over time’* (page 138).

The notion that dialogue between the two people within the relationship is the key to creation of change is also evident, and Michael points out how he continues to work in this way even though he is aware that it is not valued by the organization (page 140).

## Priorities

Participants are committed to an approach in which they balance the principles of justice and the demands of a technicist environment with creating and maintaining positive working relationships with offenders. They recognise the importance of these working relationships in being able to influence the behaviour of offenders for the better. Such a relationship may be the only opportunity the individual may have to reflect upon their behaviour and develop different ways of approaching life problems, because as Hamish points out, *‘they are often not heard in other arenas.’* In this sense,



prioritising meeting offenders' needs does not imply that their offending behaviour is not addressed. On the contrary, research is beginning to emerge which shows that an approach which is based upon the development of a relationship in which the individual's needs can be addressed in a fully rounded way is more likely to result in the development of a change in behaviour because the individual concerned has participated in the creation of a solution (Rex 1999, Farrall 2002, op. cit. Chapter Five). As Angus puts it: '*one thing I think is fundamental is the personal relationship, and without that nothing else works*' (page 141).

It could be assumed that all that is required to resolve the disjuncture between the values of practitioners and their practice environment is to allow natural wastage to take its course and assume that as newly qualified practitioners join the service, they will automatically adopt technicist values that are more in keeping with the punitive managerialist mode of practice. However, evidence to date does not suggest this will be a straightforward process. This author's experience is that more recently qualified practitioners have been formally taught about the process of reflective practice during their training. As such they recognise it as an important process in their practice development, and complain about the absence of opportunities for reflection in their post qualification supervision (Gregory 2007, op. cit. Chapter Two).

This study has revealed practice is a human endeavour in which a reflexive helper shares a problem and helps another to generate a solution for positive change. Practice has a moral character which is suffused with judgement and reflection upon the unique and particular circumstances of the person to be helped, and is not readily reduced to the straightforward application of technique. It is, I would suggest, a phenomenon that has a more abiding nature than short-term policy changes can erase. It involves an ethical approach that can be traced back to Aristotle, is re-iterated in Hulme and tends to be used by women and those who are skilled in the assessment of others' needs. A positive way forward is to look at how these deeply held values and well developed skills can be made use of in the challenge of working with offenders in ways that will facilitate lasting changes in their behaviour. The final chapter suggests that desistance research may provide some possibilities for contemporary criminal justice practice in which the helping relationship is demonstrably of value in the process of achieving a crime-free lifestyle.



## **Chapter Eight**

### **Implications for Contemporary Criminal Justice Practice**

#### **Justice, care and contemporary criminal justice practice.**

Is the practical wisdom displayed by the participants in this study of any value in contemporary practice with offenders? My findings show that some participants have begun to doubt their value to the organisation for which they work. However, the answer to the question very much depends upon the criteria that are used in measuring the effectiveness of practice interventions. ‘What works’ has become an orthodoxy in which cognitive behavioural principles have come to underpin the Home Office curriculum of approved programmes of intervention, despite the inconclusiveness of evidence for their effectiveness (Gorman 2001, Gorman O’Byrne & Parton, 2006, Merrington and Stanley 2000, Vennard et al. 1997, op. cit. Chapter Five). However, new evidence from research is beginning to emerge which substantiates the view of participants in this study that the reality of clients’ lives is extremely important, and suggests that they are right to feel that their relationship with offenders is important in providing support for the individual as they make changes toward a crime-free lifestyle (Maruna 2001, Maruna et al. 2004).

#### **Desistance as a measure of effectiveness**

A concern about what counts as success that emerges from this study is that the smaller gains made by offenders within the context of a supportive supervisory relationship are ignored by quantitative measures like recidivism, and yet may be of deep significance to the offender concerned, perhaps with potential for more sustained life change over time. Jenny’s example of the young man giving feedback to the Drug Treatment and Testing Order court is a good example of this, but as she notes, ‘the benefits might not be equated with completions’. Clearly the DTTO court views this kind of qualitative feedback from offenders as important. The DTTO court’s interest in the *process* of an offender moving away from crime echoes the growing research interest in the concept of *desistance* which incorporates an understanding of not only the termination of offending by the offender, but also the processes, practices and relationships involved in arriving at that termination (Maruna 2001, Maruna et al. 2004, op. cit. Chapter Five). This links to the understanding of practice as care/phronesis held by participants in this study, because desistance is accomplished in part by the development of self understanding by the desister as a changed person. It involves the development of a relational subjectivity by the offender, where he or she can come to



understand the impact of their behaviour upon others, and begin to recognise their own agency in being able to make changes. In a study which examines the impact of probation officers' relationships with offenders upon their ability to desist from offending, Sue Rex identifies some of the elements of supervision which probationers felt had contributed to their ability to desist. She interviewed 21 probation officers and 66 of their probationers, a quarter of whom were women, and half of whom were thirty years old or over (Rex 1999). Eighty-eight percent of the offenders regarded probation supervision as important in impacting positively upon their attempts to stop offending. Of this group, a clear factor identified in the nature of the supervision was the active and participatory nature of the supervisory relationship. They had positive views of the negotiating skills of their officer, and felt that they had been allowed to participate in the focus and content of supervision. Echoing some of the earlier findings about professional expertise already referred to, probationers in Rex's study viewed their probation officers as having a level of expertise encouraging their belief that their officers would take them seriously, and supporting their disclosure of information and the likelihood that they might respond to suggestions from the officer. Probationers also recognised the difficulties ahead of them in attempting to secure and maintain a crime-free lifestyle, reflecting the uncertainty that characterises social work. The content of probation supervision revealed by Rex's research shows that probationers found officers' attempts to improve their decision-making capabilities helpful, as long as the work was carried out in a meaningful way: probationers did not appear to appreciate formulaic ways of addressing offending behaviour. This again reinforces the shared approach to the generation of solutions which are central to the care/phronesis understanding of practice. Rex also notes the importance of reinforcing offenders' social ties to their families, friends and wider social networks in supporting their efforts to maintain desistance. Participants in this study reflect this finding in their prioritisation of the relationship with clients. Their accounts also show similarities with evidence from studies of practitioner expertise which showed that experienced practitioners created the theory and knowledge that underpinned their practice in a dialogue with service users, and were motivated to take account of the complexities of service users' lives despite other demands placed upon them (Fook et al. 1997). Earlier studies of probation officers' views of their practice have also suggested that they believe that it is through their relationship with the offender that their most effective work is carried out (Leibrich 1991, Burnett 1992).



Farrall's research cites several examples of probation officers providing the active link which helps the probationer to re-establish relationships with his or her estranged family (2002, op. cit. Chapter Five). That was the key role of the probation officer in Farrall's study, because the links with employment were in turn supported by the offenders' families. Farrall suggests that Probation Services should go beyond their present role and follow examples of schemes in the Surrey and Inner London probation areas, in which Probation Services have actually begun to engage in work which develops local job opportunities that probationers can access.

The role for the practitioner which emerges from desistance research is a reflexive and supportive one which resonates with the care/phronesis perspective. Two models of practice for social work with offenders have recently been put forward which encompass such a view of practice. The first of these is McNeill's *desistance paradigm for offender management* (McNeill 2006). McNeill criticises the prevailing focus of offender treatment on the, *what works* orthodoxy for its failure to prioritise an understanding of the processes of change involved in how and why people manage to adopt a crime free lifestyle. He argues that the focus of practice should be upon the processes involved in desistance from crime that have been discussed here. When practice is so focused, its priority becomes supporting the process of desistance which is owned by the desister, rather than as at present focusing upon the imposition of treatment and the elevation of the practitioner as expert (McNeill 2006). Supporting the offender firstly as they develop their subjective understanding of themselves as someone who can take a first step away from crime (a primary desister) and secondly move on to establishing themselves in a crime free existence (a secondary desister) situates the agency firmly with the offender, with the practitioner as a supportive fellow-traveller. It is an approach which focuses on the strengths and capabilities of the Service user which are located within themselves and in their wider social and familial networks. The practitioner's role here is realistically a supportive expert listener, negotiator and fixer who can help the offender to re-engage with the human capital (personal skills and strengths) and social capital (access to services and community resources) they need to succeed in an offence free lifestyle, which leads to reduction of harm, and an ability to make good. It is a fully relational model which expressly acknowledges society's role in providing the social capital necessary for those offenders who have made the choice to move away from offending: both human agency and structure are crucial. The making good in this model is both offenders making good to victims and communities, and society making good to the offender who may have



lacked the social capital to engage purposefully in society. The practitioner needs to be a good listener and to be able to engage supportively with the client, but there is also a requirement for community resources of the kind Farrall (2002) outlines.

### **Constructive practice with offenders**

The second approach is *constructive practice with offenders* proposed by Gorman et al. (2006). Central to the constructive approach is the concept of citizenship which inheres in all parties to an offence. The understanding of ‘citizenship’ within a constructive form of practice is a civic republican one which incorporates rights and responsibilities with an assumption of equality. Therefore the practice relationship is not one in which an expert administers treatment *to* an offender, but one in which equal parties who each possess agency construct a shared solution. A constructive approach suggests that supporting offenders to achieve active citizenship is a central role for probation practice. There is official acknowledgement of the strengths of the Probation Service in achieving this:

‘And the correctional services have a part to play in making offenders more active citizens themselves...the National Probation Service also has a significant track record in encouraging community involvement and in particular is encouraging greater involvement through the enhanced Community Punishment Scheme’ (Blunkett 2003, p31).

The task of the helper in the constructive approach is the encouragement of a full and active citizenship, and this cannot be achieved without addressing the barriers to social inclusion faced by the majority of offenders. There are problems to be overcome in achieving this because of the gulf created between an offender and the community by their behaviour, and also because there may be particular personal difficulties such as drug or alcohol addiction, debt, mental health problems, poor social functioning and so on. These are the kinds of problems that need to be addressed before an individual is ready to engage positively with their community. The implication of this approach is that there is not only a moral duty on the citizen to behave well, but a moral obligation on the state to provide reasonable social conditions to enable and facilitate law-abiding behaviour.

The meaning of ‘constructive practice’ encompasses a link to the theoretical perspectives of social construction and narrative work which regard talk, conversation and dialogue as central to the helping relationship. The language must be generative, forward-looking, and about possibilities for action and change. In addition, constructive practice incorporates the common understanding of construction as in *building*, or



putting together (Parton and O'Byrne, 2000). In so doing it acknowledges the findings of Barry (2000, 2006), that recipients of social work interventions value the dialogue that takes place between themselves and the helping practitioner, especially when they feel they have genuinely been heard. For offenders, the building required is in large part *rebuilding*. They need to rebuild relationships with their families and communities, which have almost always been damaged by their offending. A constructive approach assumes that active citizenship requires social inclusion and therefore the basis of that rebuilding has to be access to the social capital needed to achieve social inclusion.

The constructive approach supports the broader view of effectiveness developed from desistance research and acknowledges that when this approach is taken, the success of probation supervision in encouraging desistance can be seen. It shares with the desistance paradigm the supportive, enabling role for the practitioner, and places considerable stress on the role of the practitioner as providing the link between the offender and their community. It has suggested applying the principle of sustainability to work with offenders in supporting them to link with the social capital they need to recreate their offence free lives in a sustainable way (Gregory 2006). Both the *desistance paradigm* and *constructive practice with offenders* involve an iteration of justice and care principles as they consider the fully social needs of offenders, victims and their communities.

In Probation's centenary year, do these ideas have very much currency in criminal justice policy, or is it that the group of practitioners I have interviewed are simply harking back to a bygone era? I would suggest that the kinds of principles for practice employed by these participants are of a more abiding and robust nature than ideas which come and go according to fashion or political whim. As we have seen, they date back to Aristotle, and continue to inform practice in the face of an opposing dominant discourse, and in conditions of restrictive managerial control. Human agency, and the power of resistance, is strong. The prevailing political climate is not conducive to the proposal that care, along with justice should be given a higher priority within the criminal justice system and in probation practice in particular. However, there is an approach that encompasses the iteration of justice and care principles, within which the models outlined here would operate successfully, and which continues to have legitimacy. This is restorative justice. In England and Wales restorative justice operates as an add-on to our otherwise punitive managerialist system, with schemes for adult offenders commissioned by the Home Office under the Crime Reduction Programme. However, as noted in Chapter Five, restorative justice principles are the foundation of



some of the provisions of the Crime and Disorder Act 1998 which relate to young offenders. Restorative justice underpins the criminal justice process for all young offenders in Northern Ireland through the Youth Conferencing Service (NIO 2005). Restorative justice is commonly agreed as ‘a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future’ (Marshall 1999, p8). An understanding which permeates restorative justice is that the efforts of all concerned are about repairing the harm that has been caused by an offence. The stakeholders referred to are the victims, the offender, and their ‘communities of care’, (Urban Walker 2006, p151).

The key aims of restorative justice are: to address the needs of victims (that is their material, emotional, financial and social needs and those of their families); to reduce reoffending by reintegrating the offender into the community; to enable offenders to assume responsibility for their behaviour; to develop a community that is able to support victims and provide for the reintegration of offenders and to provide a form of justice that avoids escalation of legal justice with its attendant costs. The approach to these aims must be balanced so that a single aim is not allowed to outweigh the others (Marshall 1999). Restorative justice is founded on an understanding of justice which is very different from the application of abstract legal principles to a rational, race and gender-neutral subject as in conventional justice. It recognises that the origins of crime are in the ‘social conditions and relationships in the community’ (Marshall 1999, p9). It assumes that communities and local and central Governments have responsibility for alleviating those social conditions that are the foundation of criminal responses. It recognises human agency in accepting that the harms caused by a crime cannot be successfully repaired without the personal involvement of all parties involved. It assumes that a just outcome requires an understanding of the concrete and specific circumstances of each individual involved in a crime, including victims, offenders and their communities. For agencies who engage in restorative justice practice, Marshall (1999, p5) suggests that the following four principles which embody the aims and assumptions of the model, should underpin their work:

- Making room for the personal involvement of those concerned;
- Seeing crime problems in their social context
- A forward looking or preventative problem-solving approach
- Flexibility and creativity of practice



The practitioners involved in this study are people who have been professionally educated and trained to become reflective practitioners who are skilled in care - 'a mode of acting in which participants perceive and interpret care needs and act upon these needs' Sevenhuijsen (1998, p22). Trying to impose upon professionals like these a narrow and punitive model of practice appears from this study to be unsuccessful and is a waste of their skills and abilities. Probation practice with restorative justice as its overarching framework would comfortably accommodate the value base of the practitioners involved in this study, and would make very good use of their professional skill and expertise. Restorative justice as such a framework is more than a value for practice as in Nellis's formulation (1995, op. cit. Chapter Five). It is a framework for justice that includes both the traditional justice values of fairness and equity and the relational values which emanate from the care perspective. Restorative justice as a model for probation practice is put forward by Masters (1997, p244) who suggests that practice with offenders would benefit from a 'restorative and relational ethos' of the kind he outlines as having been developed in schools in the USA, where children have been taught mediation and conflict resolution skills to good effect. There are good reasons for putting forward such a model for statutory practice with offenders, not least of which is the ever-rising prison population which currently stands at 79,913 (Home Office 2007). The damaging effects of imprisonment, particularly for vulnerable groups, are well documented and these strengthen the case for the use of community penalties.

In addition to the voices of practitioners and academics from the desistance and constructive perspectives, recent arguments advanced in the philosophy of punishment support a view of probation practice as a fully rehabilitative penalty. Lewis (2005) reviews the work of the 'new rehabilitationists' (see Rotman 1990, Cullen and Gilbert 1982) who take the position that because of the inequalities and oppressions faced by most offenders, the state has a duty to provide rehabilitation, and share the perspective of constructionists that help should support their ability to return to full membership of society with the rights and responsibilities of a citizen. Rehabilitation must be proportional to the seriousness of the offence, and there should be a recognition that rehabilitation works best when 'the essential human attribute of moral agency [is] protected wherever possible' (Lewis 2005, p125). Rehabilitative schemes must take place within a policy framework where the use of imprisonment is curtailed, otherwise, as is well documented, it leads to net-widening and does nothing to decrease the prison population. Finally, rehabilitative efforts must take place within an overall social policy



context that does not favour offenders over other members of society, to avoid contravening notions of social justice to all.

Anthony Duff's penal communications theory is supportive of many of the ideas for probation practice so far discussed, but he is clear that probation should be a punishment. However, he argues that 'its purpose is not *merely punitive*'. Although it must be intended to be burdensome or painful, it must also show offenders 'the respect and concern due to them as our fellow citizens'. He stresses that he is not arguing that this model is what pertains at the moment – rather it is a model for an ideal vision of what punishment ought to be, 'a normative paradigm to which we can aspire' (Duff 2003 p 183). Duff sees the trial as the point at which the offender is called to account publicly for his behaviour, but at the point of sentencing, the process is a relational one in which a sentencing discussion includes all parties to the offence, including the offender, victim and their supporters. He acknowledges the link here to the practices of restorative justice. Duff summarises the aims of punishment as 'three R's: *repentance*, where the offender acknowledges the wrongness of their behaviour; *reform*, where the offender acknowledges his need to reform and the sentence encourages and supports that process, and *reconciliation*, where the offender becomes reconciled with the victim and wider community. The role of probation practitioners here is that of mediators between the offender, the victim, and the wider community, again reflecting the restorative justice approach.

## **Conclusion**

There are problems in regarding probation as punishment rather than its original formulation as an alternative to a sentence, some of which can be seen in this study in the confusion for probation practitioners about what are the appropriate values for practice. I have argued elsewhere (Gregory 2006) that the conception of probation as giving the offender a chance to achieve something is important as the basis for constructive practice with offenders. Given the complexity of the political climate in sentencing, in which probation is regarded as a punishment, it remains an important question for discussion. As pressure on the Government from the continually rising prison population grows, penal reformers, probation academics and practitioners will continue to invest time and effort in developing the kinds of practices and policy suggestions discussed here. At this historical juncture, it may be that opportunities for practising in these ways may only be found in specific projects such as those described by Farrall (2002), and in other practitioner-led schemes that may or may not be



successful in bidding for some of the work that will be put out to competitive tender under the new arrangements. Practitioners will have to choose their ‘sites of engagement’ (Gregory et al. 2006, p203) to develop innovative ways of working with offenders, and perhaps policy makers will again turn to the field for lessons in good practice.



## References

- Abel-Smith, B and Townsend, P (1965) *The Poor and the Poorest*, London, G Bell and Sons.
- ACOP, CCPC and NAPO (1987) *Probation: The Next Five Years: a Joint Statement by the Association of Chief officers of probation, Central Council of Probation Committees and National Association of Probation Officers*, London, ACOP, CCPC, NAPO.
- ACOP (1988) *More Demanding Than Custody*, London, Association of Chief officers of probation.
- Alexander, J (1982) *Theoretical logic in sociology: Positivism, presuppositions and current controversies*. Berkeley, University of California Press.
- Arendt, H (1963) *Eichmann in Jerusalem*. London, Faber and Faber.
- Arnold, J and Jordan, B (1992) 'Beyond befriending or past caring? Probation Values, Training and Social Justice' in B Williams (ed) *Probation Values*. Birmingham, Venture Press.
- Audit Commission (1996) *Misspent Youth* London, Audit Commision
- Auld, R (2001) *Report of the Review of the Criminal Courts of England and Wales*. London, HMSO.
- Averill, J (1985) 'The social construction of emotion: with special reference to love', in Gergen K and K. Davis (eds.) *The Social Construction of the Person*. New York, Springer-Verlag.
- Bailey, R and Lee, P (1982) *Theory and Practice in Social Work*. Oxford, Basil Blackwell.
- Bandura, A (1969) *Principles of Behavior Modification* New York, Holt
- Banks, S (2001) *Ethics and Values in Social Work* 2<sup>nd</sup> Edition, London, Palgrave.
- Barrett, M (1980) *Women's Oppression Today*. London, Verso Editions and NLB
- Barry, M (2000) 'The mentor-monitor debate in criminal justice: What works for offenders' *British Journal of Social Work* 30 pp575-95.
- Barry M (2006) 'Dispensing [with?] Justice: Young People's Views of the Criminal Justice System' in K Gorman, M Gregory, M Hayles and N Parton *Constructive Work with Offenders*. London, Jessica Kingsley.
- Bean, P (1976) *Rehabilitation and Deviance*. London, Routledge and Kegan Paul
- Beaumont, B (1976) 'A Supportive Role' *Probation Journal*, Vol 23, 3 pp73-76
- Beaumont, B (1992) 'Managerialism and the Probation Service' in B Williams (ed) *Probation Values*, Birmingham, Venture Press.
- Becker, H S (1963) *Outsiders*. New York, Free Press



Belenky, M F, Clinchy, M B, Goldberger, N R and Tarule, M J (1997) *Women's Ways of Knowing, the Development of Self, Voice and Mind*. New York, Basic Books.

Benhabib, S (1987) 'The generalized and the concrete other: The Kohlberg- Gilligan controversy and feminist theory' in K E Kittay and D T Meyers (eds), *Women and Moral Theory*. Totowa N J, Rowman and Littlefield.

Berger, P L, & Luckman, T (1963) *The social construction of reality: A treatise in the sociology of knowledge*. Garden City, NY: Doubleday.

Biestek, F (1961) *The Casework Relationship*. London, Allen and Unwin.

Bilby, C and Hatcher, R (2004) *Domestic Abuse Programme (IDAP): implementing the Duluth Domestic Violence pathfinder*. London, Home Office.

Birkbeck, J (1980) 'Barnsley Community Workshop: a new Approach to the Unemployed Offender'. *Probation Journal*, Vol 27, 3 pp75-78

Bleier, R (1984) *Science and Gender: A Critique of Biology and its Theories on Women*. New York, Pergammon

Blunkett, D (2003) *Active Citizens, Strong Communities*. London, Home Office.

Bochel, D (1976) *Probation and After-care: Its Development in England and Wales*. Edinburgh, Scottish Academic Press

Bonger, W (1936) *An Introduction to Criminology*. London, Methuen.

Booth, T (1986) 'Social research and policy relevance' *Research, Policy and Planning* 4, 1 & 2 pp15-18.

Bordo, S (1990) 'Reading the Slender Body' in M Jacobus, E Fox Keller and S Shuttleworth (eds) *Body/Politics Women and the Discourses of Science*. New York and London, Routledge.

Bottoms, A and McWilliams. W (1979) 'A non-treatment paradigm for probation practice.' *British Journal of Social Work* 9 (2) pp159-202.

Bradley, F H (1893-94) 'Some remarks on punishment' *International Journal of Ethics* IV

Brake, M and Bailey, R (1980) *Radical Social Work and Practice*. London, Edward Arnold.

Bright, M (2003) 'I'd prefer to do time than do therapy.' *The Observer* Sept 21<sup>st</sup>.

Brown, P and Sparks, R (eds) (1989) *Beyond Thatcherism, Social Policy, Politics and Society*. Milton Keynes, Open University Press.

Bruner, E (1986) 'Ethnography as Narrative' in V Turner and E Bruner (eds) *The Autobiography of Experience* Chicago The University of Illinois Press

Bryant, M, Coker, J, Estlea, B, Himmel, S and Knapp, T (1978) 'Sentenced to Social work?' *Probation Journal* Vol 25, No 4. pp110-115

Burnett, R (1992) *The Dynamics of Recidivism: Report to the Home Office Research and Planning Unit*. Oxford: Centre of Criminological Research, University of Oxford.



- Burr, V (1995) *An introduction to social constructionism*. London, Routledge.
- Carlen, P (1983) *Women's Imprisonment A Study in Social Control*. London, Routledge and Kegan Paul
- Carless, S (2006) 'Constructive work with women offenders: a probation in prison experience.' in K Gorman, M Gregory, M Hayles and N Parton *Constructive Work with Offenders*. London, Jessica Kingsley.
- Carrington, B and Denney, D (1981) 'Young Rastafarians and the Probation Service' *Probation Journal*, Vol 28 No 4 pp111-118.
- Cary, Mrs (1913) 'The value of the probation system as applied to women'. *National Association of Probation Officers*, 3, pp14-15.
- CCETSW (1972) *Values in Social Work*. London, Central Council for Education and Training in Social Work.
- CCETSW Paper 30 (1991) *Rules and Requirements for the Diploma in Social work*, London, Central Council for Education and Training in Social work.
- Centenary of Probation (2007) <http://www.centenaryofprobation.com/index.html>
- Clark, C L and Asquith, S (1985) *Social Work and Social Philosophy: a Guide for Practice* London Routledge and Kegan Paul
- Clark, C L (2000) *Social Work Ethics*. Basingstoke, Macmillan.
- Clarke, J, Gewirtz, S and McLaughlin E (2000) 'Guarding the Public Interest? Auditing Public Services, in J Clark, S Gewirtz, E McLaughlin, *New Managerialism, New Welfare*. London, Open University/Sage.
- Clarke, C and Asquith, S (1985) *Social Work and Social Philosophy* London, Routledge and Kegan-Paul.
- Clear, T R (2005) 'Places not Cases? Rethinking the Probation Focus' *The Howard Journal of Criminal Justice*. Vol 44 No. 2 pp172-184
- Clement, G (1996) *Care, Autonomy, and Justice: Feminism and the Ethic of Care*. Boulder, Colorado, Westview Press.
- Cohen, S (1985) *Visions of Social Control*. Cambridge, Polity Press
- Cooper, B and Nicholas, G (1963) *Crime in the Sixties*. London, Conservative Political Centre.
- Corrigan, P and Leonard, P (1978) *Social Work Practice Under Capitalism*. London, Macmillan.
- Cox, M and Pritchard, C (1995) 'Troubles come not singly but in battalions: the pursuit of social justice and probation practice.' In D J Scott and M Lacey (eds) *Probation Working for Justice* 1<sup>st</sup> Edition, London, Whiting and Birch.
- Crawford, A, Newburn, T (2003) *Youth Offending and Restorative Justice: Implementing Reform in Youth Justice* Cullompton, Willan



Cullen, F T and Gilbert, K E (1982) *Reaffirming Rehabilitation*. Cincinnati. Ohio, Anderson.

Denney, D (1997) 'Anti-racism and the Limits of Equal Opportunities Policy in the Criminal Justice System'. *Social Policy and Administration* Vol. 31 Issue 5 Page 79.

Dews, V and Watts, J (1994) *Review of probation officer recruitment and qualifying training*. London, Home Office.

Ditton, J and Chadee, D (2005) 'People's perceptions of their likely future risk of criminal victimisation'. *British Journal of Criminology*, Vol 1: pp322-332.

Dobash, R P, Dobash, R E and Gutteridge, S (1986) *The imprisonment of women*. Oxford, Basil Blackwell.

Dobson, G (1976) 'The Differential Treatment Unit Part 1' *Probation Journal* Vol 23 No 4, December.

Dominelli, L (2006) 'Dangerous constructions: black offenders in the criminal justice system' in K Gorman, M Gregory, M Hayles and N Parton *Constructive Work with Offenders*. London, Jessica Kingsley.

Dominelli, L (1988) *Anti-Racist Social Work*. London, Macmillan

Dominelli, L (1989) *Feminist Social Work*. London, Macmillan

Dominelli, L (1996) 'Deprofessionalizing Social Work: Anti-Oppressive Practice, Competencies and Post Modernism' *British Journal of Social Work* 26, pp153-175.

Dominelli, L (2002) *Anti-Oppressive Social Work: Theory and Practice*. London, Palgrave Macmillan

Downes, D and Morgan, R (1994) 'Hostages to Fortune'? the Politics of Law and Order in Post-War Britain' in Maguire M, Morgan, M and Reiner R *The Oxford Handbook of Criminology*. Oxford, Oxford University Press.

Downes, D; Morgan, R. (2002) 'The Skeletons in the Cupboard: The Politics of Law and Order at the Turn of the Millennium.' In *Oxford Handbook of Criminology*. 3rd edition. Edited by Maguire, M.; Morgan, R.; Reiner, R. Oxford University Press.

Driver, F (1994) 'Bodies in Space: Foucault's account of disciplinary power' in *Reassessing Foucault: Power, Medicine and the Body*. C J Jones and R Porter (eds), New York, Routledge.

Duff, R A (2003) 'Probation, punishment and restorative justice: should Al Truism be engaged in punishment?' *The Howard Journal* Vol 42 No 2 pp181-197.

Dunleavy, P. J. and Hood, C., (1994) "From Old Public Administration to New Public Management", *Public Money and Management*, 14, 3, pp9-16.

Dwyer, P (2004) *Understanding Social Citizenship, themes and perspectives from policy and practice*. Bristol, Policy Press.

Eadie, T (2000) 'From Befriending to punishing: changing boundaries in the probation service.' in N Malin (ed) *Professionalism, Boundaries and the Workplace*. London, Routledge pp161-177.



- Eaton, M (1986) *Justice for Women?* Milton Keynes, Open University Press.
- Edwards, S M (1984) *Women on Trial*. Manchester, Manchester University Press.
- Eichenbaum, L and Orbach, S (1982) *Outside In, Inside Out* London, Penguin Books.
- Eraut, M (1994) *Developing Professional Knowledge and Competence* London, The Falmer, Press.
- Eve, M and Musson, D (eds.) (1982) 'The Myth of Black Criminality' in *The Socialist Register* This essay has been re-printed in updated form in (ed.) P. Scraton: *Law, Order And The Authoritarian State* Open University Press, 1987.
- Farrall, S (2002) *Rethinking What Works with Offenders*. Cullompton, Willan.
- Farrall, S (2004) 'Social Capital and Offender Re-integration desistance focused' in S Maruna and R Immarigeon (eds) *After Crime and Punishment: Pathways to Offender Re-integration* pp57-84
- Farrant F (2006) *Out for Good: the Resettlement Needs of Young Men in Prison*. London, Howard League for Penal Reform.
- Farrington, D and Morris, A (1983) 'Sex, sentencing and reconvictions'. *British Journal of Criminology* 23, 3, 229.
- Faulkner, D (2004) 'Taking Citizenship Seriously' *Criminal Justice*, 3 (3). pp287-315
- Fay, B (1996) *Contemporary Philosophy of Social Science* (Oxford, Blackwell). University Press.
- Feeley, S and Simon, J (1992) 'The New Penology: Notes on the Emerging New Criminal Law' in Nelken D (ed) *The Futures Of Criminology*. London: Sage.
- Festinger, L. (1957) *A theory of cognitive dissonance*. Stanford, CA: Stanford University Press.
- Fook, J, Ryan, M and Hawkins, L (1997) 'Towards a Theory of Social Work Expertise' *British Journal of Social Work* 27(3), pp300-417.
- Fook, J (2002) *Social Work: Critical Theory and Practice*. London, Sage.
- Ford, P (1972) *Advising Sentencers*. Oxford Blackwell.
- Foucault, M (1972/1989) *The Archaeology of Knowledge*. London, Tavistock
- Foucault, M (1976/1979) *The history of sexuality. Vol.1, An introduction*. (translated from the French by Robert Hurley) London, Allen Lane.
- Foucault, M (1977a) *Language, counter-memory and practice: selected essays and interviews*, D F Bouchard (ed), trans. D F Bouchard and S Sherry. Oxford, Blackwell.
- Foucault, M (1977b) *Discipline and Punish*. London, Penguin Books.
- Foucault, M (1977c) 'The eye of power'. In C. Gordon (Ed.), *Power/knowledge: Selected interviews and other writings 1972-1977* (pp146-165). New York: Pantheon Books.



Foucault, M (1980) *Power/Knowledge and other Writings 1972-77 Essential works of Foucault, 1954-1984.* Vol 3. London, Penguin Books.

Foucault M (1994) 'Truth and Power' in J D Faubion (ed) *Michel Foucault, Power: The Essential Works*

Fox, M (2000) 'Feminist Perspectives on Theories of Punishment' in D Nicolson and L Bibbings: *Feminist Perspectives on Criminal Law*. London, Cavendish.

Frankena, W K (1963) *Ethics*. Englewood Cliffs, Prentice-Hall

Franklin, M B (1997) 'Interviewing and Narrative Representation', in S Davis, M Gergen in *Toward a new psychology of gender*. New York, Routledge.

Frazer, E and Lacey, N (1993) *The Politics of Community: a Feminist Critique of the Liberal Communitarian Debate*. Hemel Hempstead, Harvester Wheatsheaf.

French, M (1978) *The Women's Room*. London, Andre Deutsch.

Friedman, M (1995) 'Beyond Caring, the De-Moralization of Gender' in V Held (ed) *Justice and Care: Essential Readings in Feminist Ethics*. Boulder, Colorado, Westview Press.

Friedson, E (1994) *Professionalism Reborn. Theory, Prophecy and Policy*. Oxford, Polity Press.

Froggett, L (2002) *Love, Hate and Welfare*. Bristol, the Policy Press.

Gadamer, H G (1979) *Truth and Method*. London, Sheed and Ward.

Garland, D (1985) *Punishment and Welfare. A History of Penal Strategies*, Aldershot, Gower.

Garland, D (2000) 'The Culture of High Crime Societies' *British Journal of Criminology* 40, pp347-375.

Garland, D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford, Oxford University Press.

Gelsthorpe, L (1992) 'Response to Martyn Hammersley's paper "On feminist methodology"', *Sociology*, vol. 26, no. 2, pp213 - 218.

Gelsthorpe, L and Morris, A (1988) 'Feminism and Criminology in Britain.' *British Journal of Criminology* 28/2.

Gelsthorpe, L and Morris, A (1994) 'Juvenile Justice 1945-1992'. in Maguire, M, Morgan R, Reiner, R (eds) *The Oxford Handbook of Criminology*. pp900-949 Oxford, Oxford University Press

Gergen, M M (1988) *Toward a Feminist Metatheory and Methodology in the Social Sciences*. In *Feminist Thought and the Structure of Knowledge*. M Gergen (ed) New York, New York University Press.

Giallombardo, R (1966) *Society of Women: A Study of a Woman's Prison*. New York/London, Wiley

Giddens, A (1991) *Modernity and Self Identity*. Cambridge: Polity.



- Gilligan, C (1982) In *A Different Voice: Psychological Theory and Women's Development*. Cambridge, Mass and London, Harvard University Press.
- Gilligan, C (1987) 'Moral orientation and moral development' in E Kittary E and D Myers (eds) *Women and Moral Theory*. New Jersey, Rowman and Littleford. P 24.
- Gilligan, C (1993) 'Reply to Critics' in M J Larrabee (ed) *An Ethic of Care: Feminist and Interdisciplinary Perspectives* pp207-214 London, Routledge.
- Gilroy, P (1987) *There Aint no Black in the Union Jack: The Cultural Politics of Race and Nation*. London, Hutchinson.
- Goffman, E. (1968) *Asylums: Essays on the Social Situation of Mental patients and Other Inmatse*. Harmondsworth, Penguin, 1968.
- Goldthorpe, J. H. et al. (1968) *The Affluent Worker: Industrial Attitudes and Behaviour*. Cambridge, England: University Press.
- Goodman, A (2003) 'Probation into the millenium: the punishing service?' in Matthews R and Young M, (Eds) *The New Politics of Crime and Punishment*, Cullompton, Willan.
- Gordon, P (1983) *White Law*. London, Pluto Press.
- Gorman, K (2001) 'CognitiveBehaviouralism and the Holy Grail: the quest for a universal means of managing offender risk', *Probational Journal*, 48(1) pp3-9.
- Gorman, K, O'Byrne P and Parton N (2006) 'Constructive work with offenders: setting the scene.' in K Gorman, M Gregory, M Hayles and N Parton *Constructive Work with Offenders*. London, Jessica Kingsley.
- Gough, I (1979) *The Political Economy of the Welfare State*. Macmillan Press Ltd, London.
- Gould, N and Taylor, I (1996) *Reflective Learning for Social Work* Aldershot, Arena.
- Greeno, C G and Maccoby, E E (1993) 'How different is a different voice' in *An Ethic of Care: Feminist and Interdisciplinary Perspectives*. M J Larrabee (ed) pp193-198 London and New York, Routledge.
- Gregory M (2006) 'The Offender as Citizen: socially inclusive strategies for working with offenders in the community' in K Gorman, M Gregory, M Hayles and N Parton *Constructive Work with Offenders* .pp49-65 London, Jessica Kingsley.
- Gregory M et al. (2006) 'Offenders 'r' us: the story of this book' in K Gorman, M Gregory, M Hayles and N Parton *Constructive Work with Offenders*. pp193-205 London, Jessica Kingsley.
- Gregory M (2007) 'Newly qualified Probation Officers talk about their training.' *Social Work Education* Vol 26 Issue 1.
- Gregory M and Holloway M (2005) 'Language and the Shaping of Social Work'. *British Journal of Social Work* 35: 1, pp37-53.
- Griscom, L (1992) 'Women and Power: Definition, Dualism, and Difference' *Psychology of Women Quarterly* 16 (4), pp389-414.



- GSCC (2000) Codes of practice for social care workers and employers. London, GSCC.
- Guerry, A M (1833) Essai sur la statistique morale de la France. Paris.
- Hall, S (1983) 'The Problem of Ideology', in B. Matthews (ed.), Marx 100 Years On, London, Lawrence & Wishart.
- Hall, S Critcher, C, Clarke J, Jefferson, T and Roberts B (1978) Policing the Crisis. London MacMillan.
- Haney, C., Banks, W. C., & Zimbardo, P. G. (1972). Study of prisoners and guards in a simulated prison. Naval Research Reviews, 9, 1-17. Washington, DC: Office of Naval Research
- Harding, S G (1991) Whose Science? Whose Knowledge?: Thinking from Women's Lives. Milton Keynes, Open University Press.
- Harman, J (1978) 'Crisis Intervention, a form of diversion' Probation Journal Vol 25 No 4 pp115-122
- Hart, J (1981) The Theory and Practice of Homosexuality London Routledge
- Haxby, D (1978) Probation, A changing Service. London, Constable
- Heidensohn, F (1968) 'The Deviance of Women: A Critique and an Enquiry British Journal of Sociology, 19:2.
- Heidensohn, F. (1986). 'Models of Justice: Portia or Persephone?' International Journal of the Sociology of Law , 14, pp287-298
- Heidensohn, F (1987) 'Women and Crime: Questions for Criminology' in P Carlen and A Worrall (eds) Gender, Crime and Justice. Milton Keynes, Open University Press.
- Heidensohn, F (1994) 'Gender and Crime' Criminology' in Maguire M, Morgan, M and Reiner R The Oxford Handbook of Criminology Oxford, Oxford University Press.
- Held, V (1995) 'Feminist Moral Enquiry and the Feminist Future. In V Held (ed) Justice and Care: Essential Readings in Feminist Ethics. Boulder, Colorado, Westview Press.
- Henderson P (1986) 'Community Work and the Probation Service'. Probation Journal, 33, 2 pp49-54
- Hitchcock, J (2001) Unraveling the White Cocoon Dubuque I A, Kendall/Hunt Publishing Company'
- HM Inspector of Prisons (2007) Chief Inspector of Prisons Annual Report. London, Home Office.
- HMSO (2002) *Justice for All*, Command Paper CM5563, London, Her Majesty's Stationery Office.
- Hobsbawm, E (1994) The Age of Extremes. London, Michael Joseph.
- Home Office (1962) Report of the Departmental Committee on the Work of the Probation Service, Cmnd 1650. London, HMSO.



Home Office (1984a) Probation Service in England and Wales: Statement of National Objectives and Priorities. London, Home Office.

Home Office (1984b) Probation Rules. London, Home Office

Home Office (1988) Punishment, Custody and the Community, London, HMSO.

Home Office (1989a) Review of Probation Training Sponsorship (The Coleman Report), London, Home Office.

Home Office (1989b) The Nature of Probation Practice Today. (The Davies Report), London, Home Office.

Home Office (1992) National Standards for the Supervision of Offenders in the Community. London, Home Office.

Home Office (1995a) National Standards for the Supervision of Offenders in the Community. London, Home Office.

Home Office (1995b) Strengthening Punishment in the Community. London, Home Office.

Home Office (1997) No More Excuses: a New Approach to Tackling Youth Crime in England and Wales. London, Home Office.

Home Office (1998) Joining Forces to Protect the Public. London, Home Office.

Home Office (2000) National Standards for the Supervision of Offenders in the Community, London, Home Office.

Home Office (2001) The Halliday Report: Making Punishments Work: Review of the Sentencing Framework for England and Wales. London, Home Office.

Home Office (2002a) Justice for All. London, Home Office.

Home Office (2002b) National Standards for the Supervision of Offenders in the Community. London, Home Office.

Home Office (2004) [http://press.homeoffice.gov.uk/press-releases/Public\\_Protection\\_From\\_Dangerous?version=1](http://press.homeoffice.gov.uk/press-releases/Public_Protection_From_Dangerous?version=1) (accessed 2 July 2005)

Home Office (2006a) A Five Year Strategy for Protecting the Public and Reducing Reoffending. London, The Stationery Office

Home Office (2006b) Offender Management Caseload Statistics 2005. London, Home Office.

Houston, B (1987) 'Rescuing Womanly Virtues' in M Hanen and K Neilsen (eds) Science, Morality and Feminist Theory. Calgary, University of Calgary Press.

Howard, M (1993) Speech to the Conservative Party Conference, Brighton

Howarth, D (2000). Discourse. Buckingham, Open University Press.

Howe, A (1994) Punish and critique: Towards a feminist analysis of penalty. New York: Routledge.



Howe, D (1991) 'Knowledge, power and the shape of social work practice.' in M Davies (ed) *The Sociology of Social Work*. London, Routledge.

Howe D (1993) *On Being A Client, Understanding the process of Counselling and Psychotherapy*. London, Sage

Howe D (1994) 'Modernity, Postmodernity and Social Work'. *British Journal of Social Work*, 24(5), pp513-532.

Howe, D (1996) 'Surface and depth in social work practice' in N Parton (ed) *Social Theory, Social Change and Social Work*. London and New York, Routledge.

[http://www.napo2.org.uk/agm2005/archives/2005/10/probation\\_value.html](http://www.napo2.org.uk/agm2005/archives/2005/10/probation_value.html) (accessed 10.8.06).

[http://www.probation.homeoffice.gov.uk/files/pdf/WorkforceProfile\\_rpt.pdf](http://www.probation.homeoffice.gov.uk/files/pdf/WorkforceProfile_rpt.pdf) (accessed 24 April 2007)

<http://www.howardleague.org/index.php?id=overcrowding> (accessed 15 May 2007)

Hudson, B (1987) *Justice Through Punishment: A critique of the Justice Model of Corrections*. London, Macmillan.

Hudson, B (1993) *Penal Policy and Social Justice*. Basingstoke, Macmillan.

Hudson, B (2001) 'Human Rights, Public Safety and the Probation Service: Defending Justice in the Risk Society.' *The Howard Journal* Vol 40 No 2 pp103-113.

Hugman, R and Smith, D (eds) (1995) *Ethical Issues in Social Work*. London, Routledge.

Hutchinson, S (1986) 'Grounded theory, the method' In *Nursing Research A Qualitative Perceptive*. P Munhall & C Oiler, (eds), Appleton-Century-Crofts, Norwalk

Hutton, W (1995). *The State We're In*. London, Jonathan Cape.

Jaffee, S and Hyde, J S (2000) Gender differences in moral orientation: A meta-analysis. *Psychological Bulletin*, 126, pp703-726.

Jarvis, F V (1972) *Advise, Assist and Befriend: A History of the Probation and After Care Service*. London, National Association of Probation Officers.

Jordan, B (1987) 'Counselling, Advocacy and Negotiation' *British Journal of Social Work*, 17 (2), pp135-46.

Jordan, W B (1970) *Client Worker Transactions*. London, Routledge and Kegan Paul

Jordan, W B (1972) *The Social Worker in Family Situations*. London, Routledge and Kegan Paul.

Jordan, W B (1978) 'A Comment on "Theory and Practice in Social Work"' *British Journal of Social Work*, 8(11) pp23-5.

Jordan, W B (1979) *Helping in Social Work*. London, Routledge and Kegan Paul.

Jordan, W B (1983) 'Criminal Justice and Probation in the 1980s'. *Probation Journal*, Vol 30 No 3, pp83-88.



- Kemshall, H (1998) *Risk in Probation Practice*. Aldershot, Ashgate.
- Kendall, K (2004) 'Dangerous thinking: a critical history of correctional cognitive behaviouralism' in G Mair (ed) *What Matters in Probation*. Cullompton, Willan.
- Kesey, K (1962) *One Flew Over the Cuckoo's Nest* London, Penguin Books
- Knight, C (2002) 'Training for a Modern Service' in Ward D, Scott J and Lacey, M (eds) *Probation, Working for Justice*. Oxford, Oxford University Press.
- Koch, T (1994) 'Establishing rigor in qualitative research: the decision trail.' *Journal of Advanced Nursing* 19: pp976-986.
- Kohlberg L (1969) 'Stage and Sequence: the Cognitive Developmental Approach to Socialization.' in D A Gosling (ed) *Handbook of socialization theory and Research* Chicago Rand McNally
- Laclau, E and Mouffe, C (1985) *Hegemony and Socialist Strategy*. London, Verso.
- Lancaster, E (2003) 'Probation Values - Where are we now?', *British Journal of Community Justice*, 2 (2), pp25-40.
- Lea, J and Young, J (1984) *What is to be done about law and order?* London, Pluto
- Leibrich, J (1991) *A Study of the Probation Division's Perception of its role in Reducing Re-offending*. Wellington. Department of Justice.
- Lewis, S (2005) 'Rehabilitation: headline or footnote in the new penal policy? *Probation Journal*. Vol 5 (2) pp119-135.
- Lincoln, Y S, and Guba, E G (1985). *Naturalistic Inquiry*. Newbury Park, California: Sage.
- Lombroso, C (1876) *L'Uomo Delinquente*. Milan Hoepli
- Lombroso, C and Ferrero, W (1895) *The Female Offender*, with an introduction by W D Morrison. London, T Fisher Unwin.
- Lupton, C (1992) 'Feminism, Managerialism and Performance Measurement' in M Langan and L Day, *Women, Oppression and Social Work: Issues in Anti-discriminatory Practice*. London, Routledge.
- Lyons, N P (1983) 'Two Perspectives: On Self, Relationships and Morality.' *Harvard Educational Review* 53 pp125-144.
- Mair G (2004) 'The Origins of What Works in England and Wales: a house built on sand?' in Mair G (ed) *What Matters in Probation*. pp12-33 Cullompton, Willan.
- Mair, G and May, T (1997) *Offenders on Probation*. London, Home Office
- Mair, G, Burke, L and Taylor S (2006) 'The worst tax form you've ever seen? Probation officers' views about OASYS' *Probation Journal* Vol 53 (1) pp7-23.
- Mair, G. (1997) 'Community Penalties and Probation' in Maguire, M, Morgan R, Reiner, R (eds) *The Oxford Handbook of Criminology*. 2nd. ed. pp1198-1232 Oxford, Oxford University Press



- Mannheim, H (1965) *Comparative Criminology*. London Routledge and Kegan Paul
- Marshall, T (1999) *Restorative Justice: An Overview*. London, Home Office.
- Martinson, R (1974) 'What Works? Questions and Answers About Prison Reform'. *Public Interest*, 35 pp22-54
- Maruna, S (2001) *Making Good. How ex-Convicts Reform and Rebuild their Lives*. Washington, American Psychological Association.
- Maruna, S, Immarigeon, R and LeBel, T (2004) 'Ex-Offender Re-integration, Theory and Practice' in Maruna and Immarigeon (eds) *After Crime and Punishment: Pathways to Offender Re-integration*. pp3-26 Cullompton, Willan.
- Masters, G (1997) 'Values for Probation, Society and Beyond' *The Howard Journal* Vol 36 No 3 pp 237-247.
- Mathieson, D (1975) 'Conflict and Change in Probation' *Probation Journal*, Vol 22 No 2 pp36-40.
- Mawby, R I (1977) 'Sexual Discrimination and the Law' *Probation Journal*, Vol 24 No 2 pp28-34.
- May, T (1991) *Probation: Politics, Policy and Practice*. Milton Keynes, Open University Press.
- McBeath, G and Webb, S A (2002) 'Virtue Ethics and Social work: being lucky, realistic, and not doing one's duty'. *British Journal of Social Work*, 32, pp1015-1036.
- McGuire, J and Priestley, P (1995) 'Reviewing 'What Works': Past, present and future. In J McGuire (Ed) *What Works: Reducing Reoffending*. Chichester, Wiley.
- McLaughlin, E and Muncie, J (2000) 'The Criminal Justice System: New Labour's New Partnerships' in J Clarke S Gewirtz and E McLaughlin, *New Managerialism, New Welfare*. London, Open University/Sage.
- McNeill, F (2006) 'A desistance paradigm for offender management. *Criminology and Criminal Justice*. 6, pp39-62.
- McWilliams, B (1983) 'The Mission to the English Police Courts 1876-1936'. *Howard Journal*, 22 pp129-47.
- McWilliams, B (1985) 'The Mission Transformed: Professionalisation of Probation Between the Wars'. *Howard Journal*, 24: pp257-74.
- McWilliams, B (1986) 'The English Probation System and the Diagnostic Ideal'. *Howard Journal* 25: pp241-60.
- McWilliams, B (1987) 'Probation, Pragmatism and Policy', *Howard Journal*, 26: pp97-121.
- Merrington S and Stanley, S (2000) 'Doubts about the What Works initiative' *Probation Journal* 47(4) pp272-275.
- Merton, R (1988) 'Some thoughts on the concept of Sociological Autobiography' W. Riley (ed) *Sociological Lives* Sage pp17-21 Newbury Park, California



- Mills, S (2004) *Discourse*. London, Routledge
- Mistry, T (1993) 'Establishing a feminist model of groupwork in the probation service' in Brown A and Caddick, B (eds) *Groupwork with Offenders*. London, Whiting and Birch.
- Morris, C (1950) *Social Casework in Great Britain*. London, Faber
- Murray, C. (1984), *Losing Ground: American Social Policy 1950-1980*. Basic Books, New York.
- Nash, M (2004) 'Probation and Community Penalties' In J Muncie and D Wilson (eds) *Student Handbook of Criminal Justice and Criminology*. London, Cavendish.
- National Offender Management Service (2005). *National Standards* London, Home Office.
- NAPO (2000) *Probation values: Practice Guide* London National Association of Probation Officers
- National Probation Service for England and Wales (2001) *A New Choreography: An Integrated Strategy for the National probation Service for England and Wales – Strategic Framework 2001-2004*. London, Home Office.
- Nellis, M (1995) 'Probation Values for the 1990s' *The Howard Journal* Vol 34 No 1 pp19-44.
- Nellis, M (2000) 'The New Probation Training' *Criminal Justice Matters* No 39 Spring, pp22-23.
- Nellis, M (2001a) 'Community Values and Community Justice' *Probation Journal* Vol 48 No 1 pp34-38.
- Nellis, M(2001b) 'The new probation training in England and Wales, realising the potential. *Social Work Education*, Vol 20, No 4, pp415-431.
- Nellis,M (2004) 'Into the field of corrections: the end of English probation in the early 21<sup>st</sup> century' *Cambrian Law Journal* Vol 35, pp115-134.
- Nellis, M (2005) *Speech to NAPO Annual General Meeting*.
- Nellis, M and Gelsthorpe, L (2003) 'Human Rights and the Probation Values Debate' in W C Hui and M Nellis (eds) *Moving Probation Forward*, Harlow, Pearson Education Ltd.
- NIO (2005) *Interim Evaluation of the Northern Ireland Youth Conferencing Scheme*. Belfast, Northern Ireland Office.
- NOMS Offender Management Workstream Team (2005) *The NOMS Offender Management Model* London, National Offender Management Service.
- Oakshott, M (1981) *Rationalism in Politics and other Essays* London, Methuen
- Okin, S (1989) *Justice, Gender and the Family*. New York, Basic Books.
- Oldfield, M (1994) 'Talking Quality, meaning control: McDonalds, the market and probation service' *Probation Journal* 41 1 (4) pp186-92.



- Oliver M (1990) *The Politics of Disabilment* London Macmillan
- Orme, J (2002) 'Social Work: Gender, Care and Justice' *British Journal of Social Work* Vol 32, pp799-814.
- Parker, I (1992) *Discourse dynamics: Critical analysis for social and individual psychology*. London, Routledge.
- Parkinson, G (1965) 'Casework and the persistent offender'. *Probation* 11, 1.
- Parkinson, G (1966) 'Passivity and delinquency'. *Probation* 12, 2.
- Parry, N, Rustin, M and Satyamurti, C (1979) *Social work, Welfare and the State*. London, Edward Arnold
- Parton, N (1998) 'Risk, advanced liberalism and child welfare: the need to rediscover ambiguity and uncertainty.' *British Journal of Social work* 28 (1) pp5-27.
- Parton, N (2003) 'Rethinking professional practice: the contributions of social constructionism and the feminist ethics of care.' *British Journal of Social Work* 33, 1, pp1-16.
- Parton, N and O'Byrne, P (2000) *Constructive Social Work*. London, Macmillan.
- Perlman, H H (1957) *Social Casework: A Problem Solving Process*. Chicago, London, University of Chicago Press.
- Piercy, M. (1974) *Small Changes*. New York: Fawcett Crest
- Piercy, M. (1976) *Woman on the Edge of Time*. New York: Fawcett Crest
- Pinder, R (1982) 'On What Grounds? Negotiating Justice with Black Clients. *Probation Journal*, Vol 29 19, pp19-23
- Pointing, J (ed) (1986) *Alternatives to Custody*. Aldershot, Avebury.
- Probation Boards Association (2005) *Value* London, Probation Boards Association
- Purvis, J, (1985) 'Reflections Upon Doing Historical Documentary Research from a Feminist Perspective' in *Strategies of Educational Research: Qualitative Methods*. Edited by Robert Burgess. London: Falmer Press.
- Purvis, T and Hunt, A (1993) 'Discourse, ideology, discourse, ideology, discourse, ideology'. *The British Journal of Sociology* 44(3): pp473-98.
- Quetelet L A J (1835) *Essai de physique sociale*, Brussels.
- Radzinowicz, L, and Hood, R (1986) *A History of English Criminal Law and its Administration from 1750*. London, Stevens.
- Raine, J W and Wilson, M J (1993) *Managing Criminal Justice*. Hemel Hempstead, Harvester, Wheatsheaf.
- Rajchman, J (1985) *Michel Foucault: The Freedom of Philosophy*. New York, Columbia University Press.
- Ramazanoglu, C with Holland, J (2002) *Feminist Methodology: Challenges and Choices*. London, Sage.



- Rawls, J (1971) *A Theory of Justice* Harvard University Press
- Raynor, P (2003) 'Evidence-based probation and its critics' *Probation Journal* 50(4) pp334-345
- Rex, S (1999) 'Desistance from Offending: Experiences of Probation' *Howard Journal*. Vol 38 No 4 pp366-383.
- Rex, S (2005) *Reforming Community Penalties*. Cullompton, Willan
- Robinson, G (1999) 'Risk Management and Rehabilitation in the Probation Service: Collision and Collusion' *Howard Journal* 38 (4) pp421-433.
- Robinson, G (2003) 'Risk and Risk Assessment' in W H Chui and M Nellis (eds) *Moving Probation Forward* Harlow, Pearson Longman pp108-128
- Robinson, S (1982) 'Setting up a Neighbourhood Centre in Central Harrow' *Probation Journal*, Vol 29, 2 pp47-51
- Rosenhan, D L (1973) 'On being sane in insane places' *Science*, Jan 19; 179(70) pp250-81969.
- Rotman, E (1990) *Beyond Punishment, A New View of the Rehabilitation of Criminal Offenders*. Westport, CT, Greenwood Press.
- Ruggles-Brise, E (1900) 'The Indeterminate Sentence' Paper given to the sixth International Penitentiary Congress 1900 contained in PROP. Com7.286
- Ryan, M (1983) *The Politics of Penal Reform*. London, Longman Smith
- Ryan, M and Ward, T (1991) 'Restructuring, Resistance and Privatisation in the Non-custodial Sector. *Critical Social Policy* 30, 1991 pp54-67.
- Ryan, G W and Bernard, H R (2000) *Handbook of Qualitative Research*, London, Sage.
- Sawicki, J (1991) *Disciplining Foucault: Feminism Power and the Body*. London, Routledge.
- Schön, D A (1983) *The Reflective Practitioner* New York Basic Books.
- Schön, D A (1987) *Educating the Reflective Practitioner* London Jossey-Bass.
- Scott, J W (1988a) 'Women's history' in J W Scott, *Gender and the Politics of History*, New York: Columbia University Press.
- Scott, J W (1988b) 'Gender: a useful category of historical analysis' in J W Scott *Gender and the Politics of History*, New York: Columbia University Press.
- Sear, the Baroness and Player, E (1986) *Women in the Criminal Justice System*. London, Howard League for Penal Reform
- Segal, L (1987) *Is the Future Female? Troubled Thoughts on Contemporary Feminism*. London, Virago Press
- Seligman, M E P (1995) 'The effectiveness of psychotherapy: the consumer reports study' *American Psychologist*, 50, pp965-74



Sevenhuijsen, S (1998) *Citizenship and the Ethics of Care*. London and New York, Routledge.

Shapland, J, Atkinson, A, Colledge, E, Dignan, J, Howes, M, Johnstone, J, Pennant, R, Robinson, G, Sorsby, A (2004) *Implementing Restorative Justice Schemes (Crime Reduction Programme: a report on the first year)* London, Home Office

Shaw, M and Hannah-Moffatt, K (2004) 'How cognitive skills forgot about gender and diversity.' in Mair G *What Matters in Probation*. Cullompton, Willan.

Sheldon B (1986) 'Social work effectiveness experiments: review and implications' *British Journal of Social Work* 16(2) pp233-242

Skinner, B. F (1971) *Beyond Freedom and Dignity* New York, Knopf.

Smart, C (1977) *Women, Crime and Criminology*. London, Routledge and Kegan-Paul.

Smart, C (1989) *Feminism and the power of law*. London, Routledge.

Social Exclusion Unit (2002) *Reducing Reoffending by Ex-Prisoners* London, Social Exclusion Unit.

Solomon, E (2005) *Recycling Offenders Through Prison*. London, Prison Reform Trust.

Spencer J (1995) 'A Response to Mike Nellis: Probation Values for the 1990s' *The Howard Journal* Vol 34 No 4 pp344-349.

Stanley, L (1993) 'On auto/biography in sociology'. *Sociology*, 27, pp41-52.

Stanley, L and Wise, S (1993) *Breaking Out Again: Feminist Ontology and Epistemology*. London, Routledge.

Stanley, S and Baginsky, M (1984) *Alternatives to Prison: An Examination of Non-Custodial Sentencing of Offenders*. London, Peter Owen

Strang, H., Braithwaite, J, (eds) (2000) *Restorative justice : philosophy to practice*. Aldershot, Ashgate.

Straw, J (1999) 'Home Secretary's preface to the government's crime reduction strategy'. London, Home Office.

<http://www.crimereduction.gov.uk/archive/0401/crsdoc1.htm> (accessed 14 August 2006).

Sykes, G M., and Matza, D (1957) "Techniques of Neutralization: A Theory of Delinquency." *American Sociological Review* 22 664-670.

Szasz, T S (1974) *The myth of mental illness : foundations of a theory of personal conduct (revised edition)* New York : Harper & Row.

Tallack, W (1889) *Penological and Preventive Principles, with Special Reference to Europe and America, etc*. London, Howard Association.

Taylor, I, Walton, P and Young, J (1973) *The New Criminology*. London, Routledge and Kegan Paul.

Thomas, W I 1928 (with Thomas, D S) *The child in America: Behavior problems and programs*. New York, Knopf.



- Tonry, M (2004) *Punishment and Politics. Evidence and emulation in the making of English crime control policy* London, Willan.
- Tronto, J (1993) *Moral Boundaries: A Political Argument for an Ethic of Care*. New York and London, Routledge.
- Trotter, C (1999) *Working with Involuntary Clients*. London, Sage.
- Turnbull, P J, McSweeney, T, Webster, R, Edmunds, M and Hough, M (2000) *Home Office Research Study 212: Drug Treatment and Testing Orders: Final Evaluation Report*. London, Home Office.
- Urban Walker, M (2006) 'The curious case of care and restorative justice in the US context. In M Hamington and D C Miller (eds) *Socialising Care* pp145-162. Lanham, Maryland, Rowman and Littlefield.
- Vanstone, M and Seymour, B (1986) 'Probation Service Objectives and the Neglected Ingredients' *Probation Journal* Vol 33, 2 1986 pp43-49.
- Vanstone, M. (2004) *Supervising Offenders in the Community: A History of Probation Theory and Practice*. Aldershot, Ashgate.
- Vass, A (1990) *Alternatives to Prison: Punishment, Custody and the Community*. London, Sage.
- Vennard J, Sugg D and Hedderman C (1997) *Changing Offenders Attitudes and Behaviour: What Works?* London Home Office
- Von Hirsch, A (1976) *Doing Justice – The Report of the Committee for the Study of Incarceration*. New York, Hill and Wang.
- Walker, H and Beaumont, B (1981) *Probation Work, Critical Theory and Socialist Practice*. Oxford, Basil Blackwell
- Walker, N (1965) *Crime and Punishment in Britain*. Edinburgh, Edinburgh University Press.
- Ward S and Stewart C (2002) 'Criminogenic Needs and Human Needs, a Theoretical Model' *Psychology crime and law* Vol 9(2) pp125-143.
- Ward, D (1996) 'Probation Training: celebration or wake' in M Preston-Shoot and S Jackson (eds) *Educating Social workers in a Changing Policy Context*. London, Whiting and Birch.
- Wargeant, M (2005)  
[http://www.napo2.org.uk/agm2005/archives/2005/10/probation\\_value.html](http://www.napo2.org.uk/agm2005/archives/2005/10/probation_value.html) (accessed 10.8.06).
- Watson, S (2000) 'Foucault and the Study of Social Policy' in G Lewis, S Gewirtz and J Clarke (eds) *Rethinking Social Policy*. London, Sage.
- Webb, S (2001) 'Some considerations on the validity of evidence-based practice in social work' *British Journal of Social Work*. 31, pp57-79.
- Weston, W R (1978) 'Probation in Penal Philosophy, Evolutionary Perspectives' *Howard Journal*, Vol 17, No 1.



Whan, M (1986) 'On the Nature of Practice' British Journal of Social Work, 16, pp243-250.

Whitehouse, P (1983) 'Race, Bias, and Social Enquiry Reports.' Probation Journal, Vol 30 No 2 Jun, pp43-49.

Williams, B (1992) Probation Values. Birmingham, Venture Press.

Wilson, J Q and Kelling G (1982) 'Broken Windows'. Atlantic Monthly March pp29-38

Wolpe, J (1969) The Practice of Behavior Therapy NewYork, Pergammon Press

Worrall, A (1981) 'Out of Place: Female Offenders in Court'. Probation Journal, Vol 28 No 3 pp90-93.

Worrall, A (1992) 'Equal Opportunity or equal disillusion? The Probation Service and anti-discriminatory practice.' In B Williams (ed) Probation Values. Birmingham, Venture Press.

Worrall, A and Hoy, C (2005) Punishment in the Community: Managing Offenders, Making Choices. Cullompton, Willan.

Young, I M (1990) Throwing Like a Girl And Other Essays in Feminist Philosophy and Social Theory. Bloomington, IN: Indiana University Press.

Young, J (1994) 'Recent Paradigms in Criminology' in Maguire M, Morgan, M and Reiner R The Oxford Handbook of Criminology Oxford, Oxford University Press.

Young, J (1999) The Exclusive Society. London: Sage.

Zedner, L (1991) Women, Crime and Custody in Victorian England. Oxford, Clarendon Press.



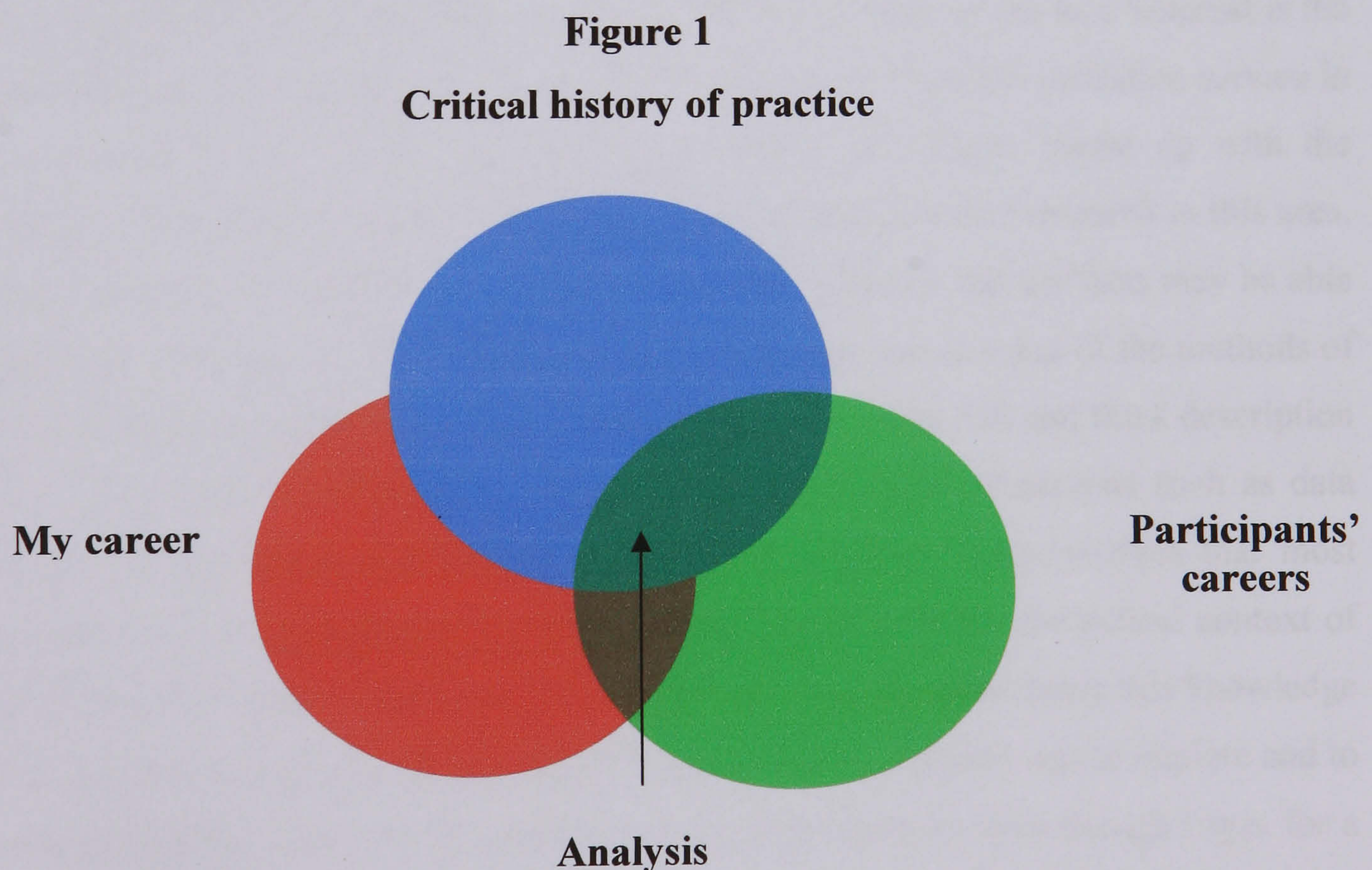
## Appendix A

### Notes on Methodology

#### Research Strategy

I was aware outset of the work that the epistemological stance I would take was ‘one in which gender and power are problematised. It must include both propositional knowledge ‘knowledge what’ and practical knowledge ‘knowledge how’. It must also include an understanding of macro and micro, structure and agency’ (p28 main thesis). I wanted to be able to theorise *from* my data, but I also recognised that I came to the task with a well developed knowledge of the field and an acquired feminist social constructionist standpoint. An abductive research strategy was therefore employed. The abductive strategy sits comfortably with my feminist approach because it views the social world as the world perceived and experienced by its members from the ‘inside’. This is defined as: ‘the process used to produce social scientific accounts of social life by drawing on the concepts and meanings used by social actors and the activities in which they engage’ (Blaikie 1993:176).

There were three key elements in developing this thesis and they took place reflexively, with each strand of the work informing the other, and contributing to the analysis as Figure 1 below shows:





In Chapter two, 'My Way of Knowing' I set out to chart the journey of my professional and academic career, which contributed to my own understanding of the world and the theoretical orientation adopted in conducting the research. Chapters four and five were intended to provide the critical history of probation practice by tracing the contours of the discourse of probation policy and practice through an examination of the policy and practice literature. In chapters six and seven I go on to set out the findings from participants' accounts, and analyse these drawing on the other two key strands. The analysis then leads to some conclusions about the policy implications of the work, set out in chapter eight.

### **Gathering interview data**

On first consideration, the approach to gathering the interview data which could have been taken might have been the 'grounded theory' approach. Grounded theory is an *inductive* approach, the key to which is that the researcher adopts the view of a data gatherer who has no preconceived ideas about what theories or ideas may be generated by the data (Blaikie, 1993). The researcher's job in this formulation is to gather data in a non-judgemental way, and then begin to identify the key themes and issues which emerge from it. Emerging initially from the data are *substantive theories*; the first level of theories generated within that research context. Over time, the process of theorising from the data leads to *formal theories* which are broader and more generalisable across data categories (Glaser and Strauss 1968). The difficulty here for me as a feminist is the assumption that as a researcher I could ever come to data about the probation service in a naive way. My own biography and work history are clearly bound up with the research environment, and my continuing career path has involved research in this area. I therefore share the scepticism of other critics of the position that the facts may be able to speak for themselves. The *abductive* research strategy shares some of the methods of grounded theory research in terms of data collection involving rich and thick description of the social lives of participants, and some of the methods of analysis such as data coding. The key difference is that the abductive approach acknowledges that most researchers will be familiar to a greater or lesser extent with the theoretical context of their chosen field before they begin data gathering. They therefore bring this knowledge to bear on the research and any findings they take from it. My task was to explore and to expose the insider view, not to impose my own view upon it, even though I was for a time an 'insider' in the probation world. My feminist social constructionist perspective meant that I was particularly interested in the language used by the participants as they constructed narratives of their working lives as probation officers.



Blaikie (1993) summarizes the layers involved in the abductive research strategy as outlined in Figure 2 below:

**Figure 2**  
**Layers of the Abductive Research Strategy**

<i>Everyday concepts and meanings</i> provide the basis for	
<i>Social action/interaction</i> about which	
<i>Social actors give accounts</i> from which	
<i>Social scientific descriptions can be made</i> <i>(either left or right column is next stage)</i>	
From which <i>social theories can be generated.</i>	And <i>understood</i> in terms of <i>social theories or perspectives.</i>

(Adapted from Blaikie 1993, p177)

I explored participants’ narratives in a series of semi- structured interviews, using a framework developed from Franklin’s (1997) shared understanding and discourse models of interviewing. My aim was ‘to obtain rich, descriptive data that clearly reflects interviewees’ experiences of the probation service and how it has changed since they started their careers’ (p55 main thesis).

Appendix B provides the semi-structured interview schedule which was used to ensure that all conversations took place within a series of similar key areas. The schedule was sent to participants in advance of the interview, together with an explanatory letter and consent form. As outlined at page 54 of the thesis, in this framework the interview is a conversation which may even include the interviewer sharing some aspects of her experience; it is semi-structured, rather than a fixed series of questions and issues may be followed up. I did this by prompting the participant to give me more information or using probes or paraphrasing to clarify issues he or she raised. My role as ‘insider’ meant that sometimes the participant would use professional jargon with an assumption that I knew exactly what he or she meant and little more needed to be said; in these cases I would often draw out the point being made in order to make the information explicit, so for example in my conversation with Hamish about whether he is able to develop knowledge of, and work in areas of specialism that are of interest to him he says:

*‘Well yes, I had an interest in **victim awareness**, and I did a little bit of work but it is really on top of the normal work, and it becomes too much.’*

I followed this up by asking: [Are there victim support officers now in your division?] and he responded:



*‘No there are victim contact officers, but they are in other divisions, and we have somebody that comes for an afternoon or a morning. In this division, we feel discriminated against. Rxxx (a local victim support agency) the mediation side who have offices here, they seen clients here, but that’s a slightly different side of it. We feel in this division we get a raw deal, because we don’t have a victim support officer on hand, where other parts of the service do’.*

Prompts used were therefore deliberately not outlined in a fixed schedule prior to the interviews; instead a suitable prompt was used to focus upon gaining the participant’s own understanding of his or her work life and circumstances (p54 main thesis). Sending the interview schedule to participants in advance helped them to consider the issues before our conversation, thus adding to the authenticity of the accounts. An example of this is my conversation with Sarah when I asked her: ‘How would you rate the quality of supervision you are getting?’ Her response was vehement:

*‘This is one of the few questions where, when I read it, I knew exactly how I would answer it. It’s abysmal! Atrocious!’*

I followed up with, ‘Why is that?’ Her response was:

*‘I think it is partly down to the individual line manager, but partly that management have got so many people, because its such a big team and although there are two seniors, it is such a big team with many new people, and I feel like I’m not getting the supervision I’m used to. Just up until quite recently, you could go in for supervision taking two or three difficult cases that you wanted to discuss and just talk about them, and to me that’s old fashioned supervision and that worked very well, and I don’t feel that’s happening now. It is partly what’s expected of management; they have to waste their time on ridiculous thing.’*

I then prompted again with: ‘So what do they want to talk about?’ And so on (p143 main thesis).

In this way I encouraged each participant to take the conversation in a direction that interested or exercised them, but I was clearly employing my existing, (but sometimes out of date as indicated later in my interview with Sarah) professional knowledge in the conversation. In this way participants’ narratives of practice and their experiences of change were co-produced and explored reflexively within the conversation. All prompts are identified in square brackets in the excerpts from interviews quoted in Chapters seven and eight.

## **Data analysis**

Data from the interviews were analysed using the abductive approach as set out in the box model above. Participants’ interviews were tape recorded and transcribed. The abductive strategy then follows the same procedure as for grounded theory research in which ‘open’ coding takes place. In this case it was involved going through and



underlining any key phrases that occurred within the scripts; as noted I then employed Nvivo software to generate key words or ‘nodes’ (p56 main thesis).

The next step involved what Straus and Corbin (1990) have termed the *constant comparative* approach, by interrogating the data to develop links between my first set of open codes, in order to develop larger categories. I did this by ‘memoing’, using coloured paper stickers. A further stage also follows grounded theory research technique, which is to continue the constant comparative approach in order to develop larger categories from the data. During this process I took the open codes and place them tentatively in larger clusters. This has been called ‘axial coding’ (Ryan and Bernard 2000). It is at this point that my strategy fits with the right hand side of Blaikie’s diagram (above) and brings the theoretical ideas from my historical and theoretical research to bear upon the data, in an attempt to uncover whether participants’ accounts reflect or differ from some of the findings from the literature.

The group of theorists on the left-hand side of Blaikie’s box model are working from a grounded theory perspective and are more interested in generating theory than in providing an understanding of the everyday concepts and meanings of the social actors. My position accords with the right-hand side of the box. I acknowledge that I came to the research with some pre-existing theoretical and practice knowledge which is then built upon and engaged with in a process of reflection both during and following the interviews. This is a similar process to the reflection-in-action, and reflection-on-action outlined by Schon (1983, 1987 op cit Chapter two, Chapter seven). Data produced from conversations with participants were not merely descriptive; the *social theories and perspectives* in this study were co-produced. I knew immediately for instance, that Angus’ remarks about *techne and phronesis* were significant, but their full significance was revealed during the *process* of research as I became conversant with discourse theory and uncovered the link between what Angus had said and the ethic of care. Similarly, although I set out with an awareness of my own perspective at the time I conducted the interviews, it was not the fully explicated ‘*way of knowing*’ set out in chapter two. Instead, having gathered the interview data, I performed the analysis in a ‘recursive and iterative’ process that moved systematically between participants’ accounts, the two theoretical strands, and the critical history literature. I was therefore able to deal reflexively with my own career when I came to write about it, co-producing my understanding of it in the context of participants’ accounts and the other strands of the research. In the same way I wanted to explore participants’ individual experiences and set them within their full socio-political context. This was achieved by analysing the



interview data in a way that identified the discursive structures which frame the accounts, contributing to an understanding of participants' experiences and the way they construct their narratives within 'a particular culture at a particular time' (Watson 2000 op cit p30 main thesis). My own experience of the changing context of practice had led me to the view that certain perspectives were dominant and it was difficult, for example, to talk about previous ways of practising without attracting criticism. I wanted to try to uncover whether the participants might be seen to employ the dominant narratives of punishment and managerialism; whether there were any alternative narratives of resistance, and to find out whether an ethic of care would be discernible in the accounts.

An advantage of the abductive approach is that whatever social scientific explanations it generates, these remain close to the understanding of the study's participants. It relies upon *inference to the best explanation*, meaning that it adopts the best explanation of a phenomenon in the light of all the available evidence, in transforming a substantive theory into a formal theory, but at the same time does not claim to have produced a *definitive* explanation. Its strength lies in that at all times any theory generated is intimately linked to the data (Blaikie 1993). I have gone a stage further than Blaikie suggests in enabling the co-emergence and co-production of theory within the research process. This has the added advantage that the research findings and discussion remain accessible to the research participants whose voices I sought to reveal. The reception of my findings chapter at the 'Centenary of Probation' Conference and by those participants and other probation professionals who have read it, suggests that this may be so.



## Critical history of practice

It is acknowledged that I cannot, in two chapters, provide the ‘revisionist history which takes full account of the socio-economic context in which they appeared’ (Mair, 1997 op cit Chapter 4). However, in attempting a *critical* history of probation practice I have sought to do more than provide a chronology of events as they occur. Of course, the chronology of events is important, and as Mair suggests ‘the history of the probation service is [in part in my view] the history of community penalties.’ My starting point for these chapters was therefore a visit to our academic liaison librarian for social sciences, who gave me a tour of our library resources with a particular focus upon government policy documents, committee reports, statutes and Home Office circulars dating back to the inception of the probation service. I used these and other official sources, together with the Home Office and other Government websites, to chart the legislative and policy history of the service. These sources were complemented with existing histories of the Service, both conventional accounts like Bochel (1976 op cit chapter four), Haxby (1978 op cit Chapter four) and Jarvis (1972 op cit chapter four) and critical perspectives such as Mair himself, Vanstone (2004 op cit Chapter four ) and Garland (1985 op cit Chapter four). No history of probation practice would be complete without acknowledging a debt to Bill McWilliams’ four articles (1983, 1985, 1986, 1987, op cit Chapter four). Following Vanstone (2004), I wanted to focus particularly on the voices of practitioners as they appeared (occasionally in official sources) but especially in sources beyond the stated policies of the government at any one particular time. By exploring the social and historical conditions in which discourses of practice were generated, my intention was to provide what Foucault would term a ‘*genealogy*’ of probation practice, revealing the particular historical and cultural conditions in which practice has been produced at particular times and historical locations (p30). This required me to seek in each particular historical period, commentaries on the period sourced beyond the official, and in particular sources close to practitioners such as NAPO Journal, NAPO policy documents, and documents of other practitioner groups like the NAPO Action Group, LAGIP, Women in NAPO and the Association of Black Probation Officers. I also consulted critical academic sources which have over the years challenged orthodox accounts, and in particular I wanted to correct the omission of a fully gendered perspective, which I argue is made even in some of the more critical accounts of probation’s history. This inevitably involved in many cases consulting sources which discuss the wider social and policy context as opposed to probation practice itself, because a fully developed feminist history of probation practice has yet



to be written. A further point is that I started from the position that probation practice is not merely the history of community penalties but an integral part of the history of social work and this meant that my focus was on probation *as a form of social work* from the outset. This did not mean that I had pre-conceived ideas about what the participants might say to me but it did mean that I consulted sources which addressed themselves not only to probation and community penalties and their history, but to social work, the socio-political context of its development, and probation practice as a part of that.

The link between the critical history chapters and the other strands of analysis is that because it is a genealogy it provides not merely a linear historical account of say, legislative frameworks or key policy moments, but forms a central part of the theoretical framework through which the other strands of the thesis are analysed, as indicated in Figure 1.



## References

Blaikie, N (1993) *Approaches to Social Enquiry*, Cambridge, Polity Press

Glaser, B G and Strauss, A L (1968) *The discovery of grounded theory*. Chicago, Aldine.

Marsh P and Triseliotis J (1996) *Ready to Practise? Social Workers and Probation Officers: Their Training and First Year in work*.

Strauss, A and Corbin, J (1990) *Basics of qualitative research*. Newbury Park, CA: Sage



## **Appendix B**

### **Semi-structured interview schedule**

#### **Basic Information:**

Name

Age

Ethnicity

Qualification

Team

Date qualified

Date started working as a PO.

#### **Chapter 1 Questions**

1. Why did you decide to become a probation officer?
2. Could you tell me a little about what your present job involves?
3. What skills/methods do you use most frequently in your work?
4. Are there aspects of the job that are new to you?
5. If so, have you received appropriate training for these?
6. How confident do you feel in your skills as a Probation Officer?
7. Are you able to obtain the training you want to develop your career?
8. Are you able to develop knowledge of, and work in areas of specialism that interest you?
9. How would you rate the quality of supervision you are getting?
10. What or who is the main source of support for your work?
11. How do you feel about your workload?
12. Looking back over the past week, how much time was spent in direct contact with clients?
13. What do you think clients expect of you? Are their expectations realistic, and do you share their view of your role?
14. Where do you get feedback about your work? [possible probes: Clients? Manager? Courts? Colleagues? research reports? evaluations?]
15. Do you find the work stressful? Can you give examples?



16. What in your view are the qualities of a ‘good’ probation officer – thinking about knowledge, skills and values?
17. How has the job changed since you first started?
18. Do you enjoy your job, and is it the job you wanted when you first joined?

(Interview schedule adapted in consultation with Peter Marsh from ‘Ready to Practise?’ Marsh & Triseliotis 1996)